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सं० ९]

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N. ९]

NEW DELHI, SATURDAY, FEBRUARY 26, 1972/PHALGUNA 7, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) and by Central Authorities (other than the
Administration of Union Territories.)

CENTRAL BOARD OF DIRECT TAXES

INCOME TAX

New Delhi, the 12th November 1971

S.O. 678.—In exercise of the powers conferred by Sub-section (1) of Section 122 of Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendments in the Schedule appended to its Notification No. 111 (F. No. 261/2/70-ITJ) dated the 22nd June, 1970, as amended from time to time, namely:—

In the said Schedule against Salem Range, Salem and Coimbatore Range II, Coimbatore under Column 2, the following shall be substituted, namely:—

Salem Range:

1. Salem Circle.
2. Company Circle, Salem.
3. Circle I, Salem.
4. Circle II, Salem.
5. Erode Circle (all Sections).

Range II, Coimbatore:

1. Circle II, Coimbatore.
2. City Circle II (All Sections), Coimbatore.
3. Salary Circle, Coimbatore.
4. Company Circles III and IV, Coimbatore.
5. Pollachi Circle (all Sections).
6. Tiripur Circle.

This notification shall take effect from 15th November, 1971.

Explanatory Note

The amendment has become necessary on account of re-organisation of Appellate Assistant Commissioners' Ranges.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 329/F. No. 261/6/71-ITJ.]

C. V. GUPTA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

प्राय कर

नई दिल्ली, 12 दिसम्बर, 1971

एस० नो० 678.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुये, केन्द्रीय प्रत्यक्ष कर बोर्ड, अपनी अधिसूचना सं० 111 (फा० सं० 261/2/70—आई० टी० जे०) तारीख 22 जून, 1970 से संलग्न, समय-समय पर यथा संशोधन अनुसूची में निम्नलिखित संशोधन एतद्वारा करता है, अर्थात्:—

उक्त अनुसूची में, स्तम्भ 2 के नीचे सलेम रेंज, सलेम और कोयम्बतूर रेंज—11, कोयम्बतूर के सामने निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:—

सलेम रेंज	1. सलेम सर्किल ।
	2. कम्पनी सर्किल, सलेम ।
	3. सर्किल I, सलेम ।
	4. सर्किल II, सलेम ।
	5. इरोड सर्किल (सभी अनुभाग) ।

रेंज II, कोयम्बतूर	1. सर्किल II, कोयम्बतूर ।
	2. शहर सर्किल II (सभी अनुभाग) कोयम्बतूर ।
	3. खेतन सर्किल, कोयम्बतूर ।
	4. कम्पनी सर्किल III और IV, कोयम्बतूर ।
	5. पोलाजी सर्किल (सभी अनुभाग) ।
	6. तिरुपुर सर्किल ।

यह अधिसूचना 15-11-1971 से प्रभावी होगी ।

स्पष्टीकारक टिप्पण —

यह संशोधन सहायक आयुक्त (अपील) के रेंजों के पुनर्गठन के कारण आवश्यक हो गया है ।

(उपरोक्त टिप्पण इस अधिसूचना का भाग नहीं है किन्तु इसका आशय स्पष्टीकारक मात्र है)

[सं० 329 (फा० सं० 261/6/71—आई० टी० जे०)]

सी० वी० गुप्ते, अव्वर सचिव ।

ESTATE DUTY

New Delhi, the 21st December 1971

S.O. 679.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Direct Taxes hereby modifies the Notification

No. 10/F. No. 21/35/64-ED dated the 11th May, 1964 published as S.O. 1712 in the Gazette of India dated the 23rd May, 1964 and Notification No. 4/F. No. 301/37/70-E.D. dated 31st March, 1970 published as S.O. 1319 in the Gazette of India dated the 11th April, 1970 to the effect that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Jabalpur, shall, and every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Indore, shall not, perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle, the Headquarters of which lies within the revenue districts of—

- (1) Gwalior,
- (2) Bhind,
- (3) Morena,
- (4) Shilpuri,
- (5) Datia,
- (6) Hoshangabad,
- (7) Betul,
- (8) Guna of the Madhya Pradesh State.

2. This notification shall come into force on the 21st December, 1971.

[No. 36/F. No. 301/37/70-E.D.]

सम्पदा-शुल्क

नई दिल्ली, 21 दिसम्बर, 1971

का० नो० 679.—सम्पदा-शुल्क अधिनियम, 1953 (1953 का 34) की धारा 4 की उपधारा (2) के द्वितीय परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, भारत के राजपत्र, तारीख 23 मई, 1964 में का० नो० 1712 के रूप में प्रकाशित अधिसूचना सं० 10/फा० सं० 21/35/64—सं० शु० तारीख 11 मई, 1964 और भारत के राजपत्र, तारीख 11 अप्रैल, 1970 में का० नो० 1319 के रूप में प्रकाशित अधिसूचना सं० 4/फा० सं० 301/37/70—सं० शु०, तारीख 31 मार्च, 1970 को एतद्वारा इस आशय से उपान्तरित करता है कि सभी ऐसे मृत व्यक्तियों की सम्पदाओं की बाबत, जिनके आयकर का निर्धारण उनकी मृत्यु के ठीक पूर्व उस प्रकार किया गया था या किया जाता, मानो उनको कोई कराघेय आय किसी ऐसे आयकर सर्किल में व्युत्पन्न हुई थी, जिनके मुख्यालय:—

- (1) ग्वालियर,
- (2) भिंड,
- (3) मोरेना,
- (4) शिवपुरी,
- (5) दतिया,
- (6) होशंगाबाद,
- (7) बेतुल,
- (8) मध्यप्रदेश राज्य का गुना ।

राजस्व जिलों में स्थित हैं, सभी अन्य सहायक नियंत्रकों को अपवर्जन करके, किसी सहायक नियंत्रक के रूप में नियुक्त किया गया और संपदा शुल्क एवं आयकर सर्किल, जबलपुर में तैनात किया गया प्रत्येक आयकर अधिकारी उक्त सर्किल में सहायक

नियंत्रक के रूप में अपने कृत्यों का पालन करेगा तथा सहायक नियंत्रक के रूप में नियुक्त किया गया और सम्पदा शुल्क एवं आयकर सर्किल, इन्दौर में तैनात किया गया प्रत्येक अधिकारी उक्त रूप में अपने कृत्यों का पालन नहीं करेगा।

2. यह अधिसूचना 21 दिसम्बर, 1971 को प्रवृत्त होगी।

[सं 36/फा० सं० 301/37/70-सं० शु०]

ORDERS

ESTATE DUTY

New Delhi, the 16th July 1971

680.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of previous notification in this regard the Central Board of Direct Taxes hereby abolish the Estate Duty cum Income tax Circle, Aurangabad and direct that the Assistant Controller of Estate Duty cum Income-tax Circle, Akola shall perform his functions in respect of the estates of all deceased persons who, immediately before their death were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle, the Head quarters of which lies within the revenue districts of:—

1. Akola,
2. Amravati,
3. Chandrapur,
4. Wardha,
5. Yeotmal,
6. Nagpur,
7. Bhandara,
8. Buldhana,
9. Aurangabad,
10. Bhir,
11. Nanded,
12. Parabhani and
13. Osmanabad.

2. This notification shall come into force from the 2nd August, 1971.

[No. 17/1971—F. No. 301/37/70-E.D.]
BALBIR SINGH

आदेश

सम्पदा-शुल्क

नई दिल्ली, 16 जुलाई, 1971

का० सं० 680.— सम्पदा शुल्क अधिनियम, 1953 (1953 का 34) की धारा 4 की उपधारा (2) के द्वितीय परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इससे संबंधित पहले की अधिसूचना को अतिष्ठित करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा सम्पदा शुल्क-एवं-आयकर सर्किल, औरंगाबाद को उत्सादित करना है और निदेश देना है कि सहायक नियंत्रक, सम्पदा शुल्क एवं-आयकर सर्किल, अकोला सभी ऐसे मृत व्यक्तियों की सम्पदाओं की बाबत उसके कृत्यों का पालन करेगा, जिनका, उनकी मृत्यु से ठीक पहले, आयकर के लिए निर्धारण उस प्रकार किया गया था या किया जाना मानो उनको कोई कराधेय आय से किसी ऐसे आयकर

सर्किल में व्युत्पन्न हुई, जिनके मुख्यालय निम्नलिखित राजस्व जिलों में स्थित हैं:—

- | | | |
|----------------|---------------|------------------|
| (1) अकोला, | (6) नागपुर, | (11) नन्देद, |
| (2) अमरावती, | (7) भण्डारा, | (12) परभाणी, और |
| (3) चन्द्रपुर, | (8) बुलधाना, | (13) उस्मानाबाद। |
| (4) वर्धा, | (9) औरंगाबाद, | |
| (5) यवतमाल, | (10) भिड़, | |

2. यह अधिसूचना 2 अगस्त, 1971 से प्रवृत्त होगी।

[सं० 17/1971-फा० सं० 301/37/70-सं० शु०]

बलबीर सिंह, सचिव।

GIFT-TAX

ORDERS

New Delhi, the 17th December 1971

S. O. 681.—In exercise of the powers conferred by Section 9 of the Gift-tax Act, 1958 (18 of 1958), and in partial modification of their order No. 25/1971 of even number dated the 2nd September, 1971, the Central Board of Direct Taxes hereby orders that in the Table annexed to the aforesaid order dated the 2nd September, 1971, the entries under columns (2) and (3) against S. Nos. 16 and 21 shall be substituted by the following:—

S. No.	Commissioners of Gift-tax	Additional Commissioners of Income-tax (Recovery).
16	Commissioner of Gift-tax Bihar, Patna.	Additional Commissioner of Income-tax (Recovery), Patna.
21	Commissioner of Gift-tax, West Bengal-V, Calcutta. Commissioner of Gift-tax, Orissa, Bhubaneswar.	Additional Commissioner of Income-tax (Recovery-II), Calcutta.

2. This order shall come into force with effect from 1st January, 1972.

[No. F. 330 2/71-G.T.]

दान-कर

नई दिल्ली, 17 दिसम्बर, 1971

का० सं० 681.— दानकर अधिनियम, 1958 (1958 का 18) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और अपने तारीख 2 सितम्बर, 1971 के उसी संख्या वाले आदेश सं० 25/1971 को भागतः उन्निहित करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा आदेश देता है कि तराखी 2 सितम्बर, 1971 के पूर्वार्ध आदेश से उपाबद्ध रसाणी में

क्र० सं० 16 और 21 के सामने स्तम्भ (2) और (3) के नीचे की प्रविष्टियों के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा:—

क्र० सं०	दान-कर आयुक्त	अपर-आयकर-आयुक्त (बसूली)
16	दान-कर आयुक्त, बिहार, पटना ।	अपर-आयकर-आयुक्त (बसूली), पटना ।
21	दान-कर आयुक्त, पश्चिमी बंगाल-5, कलकत्ता । दान-कर आयुक्त, उड़ीसा, भुवनेश्वर ।	अपर-आयकर-आयुक्त (बसूली-2), कलकत्ता ।

2. यह आदेश 1 जनवरी, 1972 से प्रवृत्त होगा ।

[फा० सं० 330/2/71-दान-कर]

[सं० 37/1971]

WEALTH TAX

New Delhi, the 17th December 1971

S. O. 682.—In exercise of the powers conferred by Section 10 of the Wealth-tax Act, 1957 (27 of 1957), and in partial modification of their order No. 23/1971 of even number dated the 2nd September, 1971, the Central Board of Direct Taxes hereby orders that in the Table annexed to the afore said order dated the 2nd September, 1971, the entries under columns (2) and (3) against S. Nos. 16 and 21 shall be substituted by the following :—

S. No.	Commissioners of Wealth-tax	Additional Commissioners of Income-tax (Recovery)
16	Commissioner of Wealth-tax, Bihar, Patna.	Additional Commissioner of Income-tax (Recovery), Patna.
21	Commissioner of Wealth-tax, West Bengal-V, Calcutta. Commissioner of Wealth-tax, Orissa, Bhubaneswar.	Additional Commissioner of Income-tax (Recovery-II), Calcutta.

2. This order shall come into force with effect from 1st January, 1972.

[F. No. 315/1/71-W.T.]
[No. 38/1971]

धन-कर

नई दिल्ली, 17 दिसम्बर, 1972

फा० आ० 682.—धन-कर अधिनियम, 1957 (1957 का 27) की धारा 10 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और अपने तारीख 2 सितम्बर, 1971 के उसी संख्या वाले आदेश सं० 23/1971 को भागतः उपान्तरित करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा आदेश देता है कि तारीख 2 सितम्बर, 1971 के पूर्वोक्त आदेश से उपायद्ध सारणी में, क्र० सं० 16 और 21 के सामने के स्तम्भ (2) और (3) के नीचे

की प्रविष्टियों के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाएगा :—

क्र० सं०	धन-कर आयुक्त	अपर आयकर आयुक्त (बसूली)
16	धन-कर-आयुक्त, बिहार, पटना ।	अपर आय-कर आयुक्त (बसूली), पटना ।
21	धन-कर आयुक्त, पश्चिमी बंगाल-5, कलकत्ता । धन-कर-आयुक्त, उड़ीसा, भुवनेश्वर ।	अपर आय-कर आयुक्त (बसूली-2), कलकत्ता ।

2. यह आदेश 1 जनवरी, 1972 से प्रवृत्त होगा ।

[सं० फा० 315/1/71-धन-कर]

[सं० 38/1971]

New Delhi, the 28th December 1971

S.O. 683.—In partial modification of order No. 23 dated 2nd September, 1971 as revised by order No. 27 dated the 10th September, 1971, and in exercise of the powers conferred by Section 10 of the Wealth-tax Act, 1957 (27 of 1957), the Central Board of Direct Taxes hereby directs that, with effect from 1st January, 1972, the Additional Commissioner of Income-tax (Recovery), Jaipur who is mentioned at S. No. 19 of the order No. 23/1971 dated the 2nd September, 1971 shall also perform in addition to the existing functions, the functions of Commissioner of Wealth-tax as now specified in the Annexure 'A' to this order.

ANNEXURE 'A'

Technical Functions

1. Revisionary powers under section 25(1) and 25(2) of the Wealth-tax Act, 1957.

2. Jurisdiction proposals and other matters pertaining to Appellate Assistant Commissioners.

3. All work relating to second appeals before the Income-tax Appellate Tribunal, references and writ petitions before High Courts and Supreme Court and any other proceedings before these authorities except prosecution proceedings and tax recovery proceedings.

4. Matters pertaining to Income-tax Officers (Judicial) Authorised Representatives and Standing Counsel.

5. All work relating to internal and revenue audit in the Income-tax Department and matters pertaining to Inspecting Assistant Commissioner of Income-tax (Audit) and Chief Auditor.

[No. 41/1971—F. No. 315/1/71-W.T.]

नई दिल्ली, 28 दिसम्बर, 1972

एस० आ० 683.—आदेश सं० 27 तारीख 10 सितम्बर, 1971 द्वारा यथा पुनरीक्षित तारीख 2 सितम्बर, 1971 के आदेश सं० 23 का भागतः उपान्तरण करत हुए और धन-कर अधिनियम, 1957 (1957 का 27) की धारा 10 द्वारा प्रदत्त शक्तियों का प्रयोग करत हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश देता है कि अपर आयकर आयुक्त (बसूली), जयपुर जो 2 सितम्बर, 1971 के आदेश सं० 23/19 1

के क्रम सं० 19 में वर्णित है, विद्यमान कृत्यों के अतिरिक्त धनकर आयुक्त के उन कृत्यों का जो अब इस आदेश के उपाबन्ध 'क' में विनिर्दिष्ट हैं जनवरी 1972 से पालन करेगा।

उपाबन्ध 'क'

तकनीकी कृत्य

1. धनकर अधिनियम 1957 की धारा 25 (1) और 25 (2) के अधीन पुनरीक्षण सम्बन्धी शक्तियाँ।
2. अधिकारिता की प्रस्थापनाएं और सहायक आयुक्त (अपील) से सम्बन्धित अन्य बातें।
3. आयकर अपील अधिकरण के समक्ष द्वितीय अपीलों, उच्च न्यायालयों और उच्चतम न्यायालय के समक्ष निर्देशों और रिट अर्जियों और अभियोजन कार्यवाहियों और कर वसूली कार्यवाहियों के अलावा इस प्राधिकारणों के समक्ष अन्य कार्यवाहियों से सम्बन्धित सभी कार्य।
4. आयकर अधिकारी (न्यायिक) प्राधिकृत प्रतिनिधि और स्थायी काउन्सेल से सम्बन्धित बातें।
5. आयकर विभाग में आन्तरिक और राजस्व संपरीक्षा से सम्बन्धित सभी कार्य और सहायक आयकर आयुक्त (निरीक्षण) (संपरीक्षा) और मुख्य संपरीक्षक से सम्बन्धित बातें।

[सं० 41/1971-फा० सं० 315--/1/71-धनकर]

GIFT Tax

New Delhi, the 28th December 1971

S.O. 684.—In partial modification of order 25/1971 dated the 2nd September, 1971 as revised by order No. 28/1971 dated the 10th September, 1971 and in exercise of the powers conferred by Section 9 of the Gift-tax Act, 1958 (18 of 1958), the Central Board of Direct Taxes hereby directs that with effect from 1st January, 1972 the Additional Commissioner of Income-tax (Recovery), Jaipur who is mentioned at S. No. 19 of the order No. 25/1971 dated the 2nd September, 1971 shall also perform in addition to the existing functions, the functions of Commissioner of Gift-tax as now specified in the Annexure 'A' to this order.

ANNEXURE 'A'

Technical Functions

1. Revisionary powers under section 24(1) and 24(2) of the Gift-tax Act, 1958.
2. Jurisdiction proposals and other matters pertaining to Appellate Assistant Commissioners.
3. All work relating to second appeals before the Income-tax Appellate Tribunal, references and writ petitions before High Courts and Supreme Court and any other proceedings before these authorities except prosecution proceedings and tax recovery proceedings.
4. Matters pertaining to Income-tax Officers (Judicial), Authorised Representatives and Standing Counsel.
5. All work relating to internal and revenue audit in the Income-tax Department and matters pertaining to Inspecting Assistant Commissioners of Income-tax (Audit) and Chief Auditors.

[No. 42/1971—F. No. 330/2/71-G.T.]
B. NIGAM, Under Secy.

दान-कर

नई दिल्ली, 23 दिसम्बर 1971

एस० नं० 684—आदेश सं० 28/1971 तारीख 10 सितम्बर 1971 द्वारा यथा पुनरीक्षण तारीख 2 सितम्बर 1971 के आदेश सं० 25/1971 का भागतः उपान्तरण करते हुए और दानकर अधिनियम 1958 (1958 का 18) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश देता है कि अपर आयकर आयुक्त (वसूली), जयपुर जो 2 सितम्बर 1971 के आदेश सं० 25/1971 के क्रम सं० 19 में वर्णित है, विद्यमान कृत्यों के अतिरिक्त, दानकर आयुक्त के उन कृत्यों का जो अब इस आदेश के उपाबन्ध 'क' में विनिर्दिष्ट हैं, 1 जनवरी 1972 से पालन करेगा।

तकनीकी कृत्य

1. दानकर अधिनियम, 1958 की धारा 24(1) और 24(2) के अधीन पुनरीक्षण सम्बन्धी शक्तियाँ।
2. अधिकारिता की प्रस्थापनाएं और सहायक आयुक्त (अपील) से सम्बन्धित अन्य बातें।
3. आयकर अपील अधिकरण के समक्ष द्वितीय अपीलों उच्च न्यायालयों और उच्चतम न्यायालय के समक्ष निर्देशों और रिट अर्जियों और अभियोजन कार्यवाहियों और कर वसूली कार्यवाहियों के अलावा इस प्राधिकारणों के समक्ष अन्य कार्यवाहियों से सम्बन्धित सभी कार्य।
4. आयकर अधिकारी (न्यायिक), प्राधिकृत प्रतिनिधि और स्थायी काउन्सेल से सम्बन्धित बातें।
5. आयकर विभाग में आन्तरिक और राजस्व संपरीक्षा से सम्बन्धित सभी कार्य और सहायक आयकर आयुक्त (निरीक्षण) (संपरीक्षा) और मुख्य संपरीक्षक से सम्बन्धित बातें।

[सं० 42/1971-फा० सं० 330/2/71-दानकर]

भुवनेश्वर निगम, अव्वर सचिव।

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE CUSTOMS

Guntur, the 4th June, 1971

S.O. 685.—In exercise of the powers conferred by the sections mentioned in Column (2) of the table below, I, A.S.I. Jaffar the Collector of Central Excise, Guntur having been appointed as the Collector of Customs Guntur, hereby, authorise the persons of and above the rank of officers specified in column (3) of the table below to exercise the powers under the provisions specified in the corresponding entry in column (2) of the said table to the extent specified in column (4) thereof.

Sl. No.	Provisions of the Customs Act 1962.	Officers	Extent of power
(1)	(2)	(3)	(4)
1	Section 104 (1) central	Inspector of Excise.	To arrest a person.

(1)	(2)	(3)	(4)
2	Section 107	Inspector of Excise	To require a person to produce or deliver any document or thing relevant to the enquiry and to examine any person acquainted with the facts and circumstances of the case.

[No. 1/71]

कार्यालय, समाहर्ता केन्द्रीय उत्पादन शुल्क

सीमा शुल्क

गुंतूर, 4 जून, 1971

एस० आ० 685.—निम्नलिखित सारणी के स्तम्भ (2) में दर्शायी गई धाराओं द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, ए० एम० आई० जकर समाहर्ता, केन्द्रीय उत्पाद शुल्क, गुंतूर, स्वयं के सीमा शुल्क समाहर्ता गुंतूर नियुक्त होने पर, निम्नलिखित सारणी के स्तम्भ (3) में दर्शाये गये पद के तथा उससे ऊपर के अधिकारियों को उक्त सारणी के स्तम्भ (2) में निर्दिष्ट उपबन्धों के अन्तर्गत, उसके स्तम्भ (4) में निर्दिष्ट सीमा तक, अधिकारों का प्रयोग करने का प्राधिकार देता हूँ।

क्र० सं०	सीमाशुल्क अधिनियम 1962 के उपबन्ध	अधिकारी	अधिकार की सीमा
(1)	(2)	(3)	(4)
1	धारा 104(1)	निरीक्षक केन्द्रीय उत्पाद शुल्क	किसी व्यक्ति को बन्दी बनाना।
2	धारा 107	—तद्वैत—	किसी व्यक्ति से सम्बद्ध किसी प्रलेख अथवा वस्तु को प्रस्तुत करने अथवा देने को अपेक्षा करना तथा प्रकरण से सम्बद्ध तथ्य एवं स्थिति में परिचित किसी व्यक्ति का परीक्षण करना।

[पंख्या 1/71.]

S. O. 686.—In exercise of the powers conferred by sub-section 34 of section 2 of the Customs Act 1962 (52 of 1962) the Collector of Central Excise, Guntur, having been appointed as the Collector of Customs within the jurisdiction of the Guntur Central Excise Collectorate, hereby assigns to the officers mentioned in Col. I of the schedule below, the functions of 'the Proper Officer' referred to in the various sections of the

Customs Act 1962, given in the corresponding entry in col. 2 of the said schedule.

(1)	(2)
1	Assistant Collectors of Central Excise, Rajahmundry and Vijayawada Divisions.
2	All Assistant Collectors of Central Excise in the in the Guntur Central Excise Collectorate.
3	All Superintendents of Central Excise in the Guntur Central Excise Collectorate.
4	(a) Superintendents in-charge of Custom House, Kakinada and (b) Inspector of Central Excise, in-charge of Custom House, Masulipatnam.
5	Sub-Inspector of Central Excise attached to Custom Houses Kakinada and Bheemuni-patnam.
6	All officers of Customs and Central Excise down to the rank of Sub-Inspectors in the Guntur Central Excise Collectorate.
7	All Superintendents of Central Excise (Technical) in the I.D.O.s in the Guntur Central Excise Collectorate.

18; 19; 21; 22 (3) (b); 48 and 72 (2).

129 (1); 129 (2) and 142(I).

101 and 103.

13; 17(1); 17(3); 17(4); 21; 22(3) (a); 26(c); 28(1); 30; 31; 32; 34; 37; 38; 39; 40; 41(1); 41(3); 42(1); 42(2) (c) 42(2)(d); 42(2) (e); 45(2)(a); 45 (2) (b); 46; 47; 50; 51; 54; 59; (3); 60; 61; 62; 63(2); 64 (except sub-section (f); 67; 68; 69; 72(1); 73; 77; 79(1); 80; 85; 86(2); 89; 92(1); 93; 94; 95(2); 95(3); 97; 144(1); 145 and 149.

17 (1); 34; 37; 77; 144(1) and 145.

100; 106 and 110.

Note : Section 106 is excepted in the case of Part and airport Visakhapatnam; Municipality in respect of work relating to the goods under section II-B of Customs Act 1962 i.e. the officers mentioned in col. I will not function as Proper Officers in the areas Specified above in respect of sections 106 and II-B of Customs Act, 1962.

II-C; II-J and II-K.

Note:—They will function as proper Officers in their respective jurisdictions not covered by M.O.Rs manned by a Superintendent of Central Excise only. Superintendent of Central Excise (Tech) I.D.O. Visakhapatnam will not function as Proper Officer in respect of the area of the Visakhapatnam Port. Similarly the Superintendent of Central Excise (Tech) I.D.O., Rajahmundry will not function as

(1)	(2)
	Proper Officer in respect of the area of the Kakinada Port where the Superintendent of Central Excise in-charge of Custom House Kakinada will function as Proper Officer in respect of the area of Kakinada Port.
8 Superintendent of Central Excise (Tech) I.D.O., Rajahmundry.	21; 22(3)(b); 63(2); (64)(f); 72(2); 129(1); 129(2) and 142(1) (d).
9 All Superintendents of Central Excise in-charge of M.O.Rs.	11-C; 11-J and 11-K. Note:—The Superintendent of Central Excise in-charge of S. R. P. M.O.R. at Visakhapatnam will not function as Proper Officer.
10 All Inspectors of Central Excise in Guntur Collectorate.	106-A Note:—They will not function as Proper Officer within the area of Visakhapatnam and Kakinada Port areas.

[No. 2/71]

एस० आ० 686.—सीमा शुल्क अधिनियम, 1962 (1962 का 52वां) की धारा 2 की उपधारा 34 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, समाहर्ता, केन्द्रीय उत्पाद शुल्क गंतूर, उनके केन्द्रीय उत्पाद शुल्क समाहर्ता क्षेत्र गंतूर में सीमा शुल्क समाहर्ता नियुक्त होने पर, एतद्वारा निम्नलिखित सूची के स्तंभ 1 में दर्शाये गये अधिकारियों की उक्त सूची के स्तंभ 2 की तत्स्थानी विवरणों में दी गई सीमा शुल्क अधिनियम 1962 की विभिन्न धाराओं में उल्लिखित "उचित अधिकारी" के कार्य करने के लिए नामित करते हैं।

1	2
1 सहायक समाहर्ता केन्द्रीय उत्पाद शुल्क, राजा-मुन्द्री तथा विजयवाडा प्रभाग।	18, 19, 21, 22(3) (ख), 48 तथा 72(2)
2 गंतूर केन्द्रीय उत्पाद शुल्क समाहर्ता क्षेत्र के सभी सहायक समाहर्ता।	129(1), 129(2) तथा 142(1)
3 गंतूर केन्द्रीय उत्पाद शुल्क समाहर्ता क्षेत्र के सभी अधीक्षक।	101 तथा 103

4 (क) प्रभारी अधीक्षक सीमा शुल्कालय, काकीनाडा तथा (ख) प्रभारी निरीक्षक, केन्द्रीय उत्पाद शुल्क सीमाशुल्कालय मसुली-पटनम।	13, 17(1), 17(3), 17(4), 21, 22(3) (क), 26(ग), 28(1), 30, 31, 32, 34, 37, 38, 39, 40, 41(1), 41(3), 42(1), 42(2), (ग), 42(2) (घ), 42(2) (ङ), 45(2) (क), 45(2) (ख), 46, 47, 50, 51, 54, 59(3), 60, 61, 62, 63(2), 64 (उपधारा (च) के अतिरिक्त), 67, 68, 69, 72(1), 73, 77, 79(1), 80, 85, 86, (2), 89, 92(1), 93, 94, 95(2), 95(3), 97, 144(1), 145 एवं 149,
5 काकीनाडा एवं भीमनी-पटनम सीमा शुल्कालयों से सम्बद्ध उप-निरीक्षक।	17(1), 34, 37, 77, 144(1) एवं 145
6 गंतूर केन्द्रीय उत्पाद शुल्क समाहर्ता क्षेत्र में उपनिरीक्षक के पद तक के सभी सीमा शुल्क और केन्द्रीय उत्पाद शुल्क के अधिकारी।	100, 106 तथा 110 टिप्पणी—सीमा शुल्क अधिनियम 1962 की धारा 11ख के अन्तर्गत भाल से सम्बद्ध कार्य के लिये पत्तन एवं हवाई पत्तन विशाखापटनम म्युनिसिपलिटि के प्रकरण में धारा 106 अपेक्षित है यथा सीमा शुल्क अधिनियम 1962 की धारा 106 तथा 11ख के सम्बन्ध में, उपरिनिर्दिष्ट क्षेत्रों में स्तंभ 1 में दर्शाये गये अधिकारी "उचित अधिकारी," के रूप में कार्य नहीं करेंगे।
7 गंतूर केन्द्रीय उत्पाद शुल्क समाहर्ता क्षेत्र के एकीकृत प्रभाग कार्यालयों के सभी अधीक्षक केन्द्रीय उत्पाद शुल्क (प्राविधिक)	11ग, 11ज तथा 11ड टिप्पणी:—वे अपने सम्बद्ध अधिकार क्षेत्रों में, जो अधीक्षक केन्द्रीय उत्पाद शुल्क के अधीनस्थ बहु अधिकारी रेंजों के अंतर्गत न आते हों, उचित अधिकारी के रूप में कार्य

1

2

करेंगे। अधीक्षक केन्द्रीय उत्पाद शुल्क (प्राविधिक) एकीकृत प्रभाग विशाखापटनम, विशाखापटनम पत्तन के क्षेत्र में उचित अधिकारी के रूप में कार्य नहीं करेगा। इसी प्रकार अधीक्षक केन्द्रीय उत्पाद (शुल्क प्राविधिक) एकीकृत प्रभाग, राजामुन्द्री काकीनाडा पत्तन के क्षेत्र में, जहा काकीनाडा सीमा शुल्कालय का प्रभारी अधीक्षक उचित अधिकारी के रूप में कार्य करेगा, उचित अधिकारी के रूप में कार्य नहीं करेगा।

8 अधीक्षक, केन्द्रीय उत्पाद शुल्क (प्राविधिक) एकीकृत प्रभाग, राजामुन्द्री। 21, 22(3)(ख), 63(2), 64(च), 72(2), 129(1), 129(2) तथा 142(1)(घ)

9 बहु अधिकारी रेन्जों के सभी प्रभारी अधीक्षक केन्द्रीय उत्पाद शुल्क। 11-ग, 11-अ, तथा 11-ट
टिप्पणी:—स्वयं अपनयन प्रक्रिया बहुअधिकारी रेन्ज, विशाखापटनम का प्रभारी अधीक्षक, केन्द्रीय उत्पाद शुल्क उचित अधिकारी के रूप में कार्य नहीं करेगा।

10 गुत्तूर समाहर्ता क्षेत्र में सभी निरीक्षक केन्द्रीय उत्पाद शुल्क। 106-क
टिप्पणी:—वे विशाखापटनम तथा काकीनाडा पत्तन क्षेत्र में उचित अधिकारी के रूप में कार्य नहीं करेंगे।

[संख्या 2/71]

CENTRAL EXCISE

New Delhi, the 19th August, 1971

S.O. 687.—In exercise of the powers conferred on me by Rule 5 of the Central Excise, Rules, 1944, I hereby empower the Assistant Collectors of Central Excise, to exercise within their respective jurisdictions, the powers of the Collector, under Rule 173-G (1) (iii) of the Central Excise Rules.

[No. 2/71.]

A. S. I. JAFFAR, Collector.

केन्द्रीय उत्पाद शुल्क

नई दिल्ली, 19 अगस्त 1971

एस० ओ० 687.—केन्द्रीय उत्पाद शुल्क नियम, 1944 के नियम 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं एतद्द्वारा केन्द्रीय उत्पाद शुल्क के सहायक समाहर्ताओं को अपने सम्बद्ध

अधिकार क्षेत्रों में केन्द्रीय उत्पाद शुल्क नियम के नियम 173छ (1) (iii) के अन्तर्गत "समाहर्ता" की शक्तियों का प्रयोग करने का अधिकार देता हूँ।

[संख्या 2/71]

ए० एस० आई० जफर, समाहर्ता।

CENTRAL EXCISE COLLECTORATE, M.P. AND VIDARBHA

ORDER

Corrigendum to Notification No. 1/71-C. Ex. dated 11th February, 1971, amended vide Notification No. 5/71-C. Ex., dated 11th November, 1971.

Nagpur, the 14th December 1971

S.O. 688.—For the word "do" appearing in column 4, against the renumbered Serial No. 6 of the table subjoined to the Notification No. 1/71-C. Ex. dated 11th February, 1971, as amended, the words "Officers not below the rank of Assistant Collector of Central Excise" will be read.

[C. No. IV(16)/8-5/71-CXI.]

VIPIN MANEKLAL, Collector.

(केन्द्रीय उत्पाद शुल्क समाहर्ता क्षेत्र मध्य प्रदेश एवं बिबर्भ)

अधिसूचना सं० 571 के उ० शु० दिनांक 11-11-71 द्वारा संशोधित अधिसूचना संख्या 1/71 के उ० शु० दिनांक 11-2-71 का सुद्धिपत्र।

नागपुर, 14 दिसम्बर, 1971

एस० ओ० 688.—यथा संशोधित अधिसूचना सं० 1/71 के उ० शु० दिनांक 11-2-71 की अनुबद्ध सारणी में पुनः संख्यांकित क्रमांक 6 के सामने स्तम्भ 4 में "तथैव" शब्द के स्थान पर "अधिकारी जो केन्द्रीय उत्पाद शुल्क के सहायक समाहर्ता के नीचे के पद के नहीं हैं" पढ़ा जाए।

[प्र० क्र० 4(16)8-5/71-के० उ० शु० I]

विपिन मानेकलाल, समाहर्ता।

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, HYDERBAD (DN.)

CENTRAL EXCISE

Hyderabad, the 5th June 1971

S.O. 689.—In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944, I hereby empower the Asst. Collectors of Central Excise to exercise within their respective jurisdictions, the Powers of the Collector, under rule 173 (G) (1) (iii).

[No. 2/71.]

S. K. SRIVASTAVA, Collector.

केन्द्रीय उत्पाद शुल्क कालेक्ट्रेट हैदराबाद

केन्द्रीय उत्पाद-शुल्क

हैदराबाद, 5 जून, 1971

एस० ओ० 689.—केन्द्रीय उत्पाद-शुल्क नियम 1944 की धारा 5 द्वारा मुझे प्रदत्त की गई शक्तियों का प्रयोग करते हुए मैं केन्द्रीय उत्पाद-शुल्क सहायक कलेक्टरों को नियम 173 छ(1) (iii) के अधीन कलेक्टर की शक्तियों का उनकी अपनी-अपनी अधिकारिता के भीतर प्रयोग करने के लिए सशक्त करता हूँ।

[सं० 2/71]

एस० के० श्रीवास्तव, कलेक्टर।

OFFICE OF THE COMMISSIONER OF INCOME TAX, DELHI (CENTRAL)

INCOME TAX

New Delhi, the 31st January 1972

S. O. 6900.—As authorised and directed by the Central Government *vide* Government of India, Ministry of Finance (Department of Revenue and Insurance), New Delhi's order F. No. 1/1/69-ITB dated 9th June, 1969, in terms of section 287 of the Income-tax Act (43 of 1961), the names and other specified particulars relating to tax defaulters who are, in default of an amount of Rs. 25,000/- or more as on the last day of the Financial year 1970-71, are hereby published.

Sl. No.	Name and address of the assessee	Amount of tax (Rupees in thousands) in default as on 31-3-1971			
		For period exceeding 9 months but not exceeding 1 year & 3 months.	For period of 1 year & 3 months & above but not exceeding 2 years & 3 months	For period of 2 years & 3 months & above	Total
1	2	3	4	5	6
1.	Sh. Abbas Hussain P/o. M/s. Rasoolji Buxji outside Hathi Pole, Udaipur.	128	..	..	128
2.	M/s. Bimal Glass Works, Firozabad.	..	..	57	57
3.	M/s. Bharat Union Agencies (P) Ltd., 10, Daryaganj, Delhi.	..	..	81	81
4.	Smt. Champa Gauri P/o M/s. V. C. Durlabhji, Johri Bazar, Jaipur.	91	..	..	91
5.	Sh. Daya Shankar Pandey C/o. M/s Raj Kumar Daya Shankar, Kanchan Bhawan, Gandhi Nagar, Kanpur.	63	70	..	133
6.	M/s. Dalmia Jain Airway (P) Ltd., (Under Liquidation), 10, Darya Ganj, Delhi.	..	185	805	990
7.	M/s. Dalmia Cement & Paper Marketing Co. Ltd., 10, Darya Ganj, Delhi (Dissolved Co.)	..	..	11194	11194
8.	M/s. Delhi Glass Works (P) Ltd., 10, Darya Ganj, Delhi (Under Liquidation)	..	..	284	284
9.	M/s. Golcha Properties (P) Ltd., (In Liquidation), Jaipur.	..	..	113	113
10.	S. Gurinder Singh Kairon, C/O Nandan Theatre, Amritsar.	44	..	62	106
11.	Shri Gulam Ali P/o M/s. Rasoolji Buxji, outside Hathi Pole, Udaipur.	112	..	..	112
12.	Shri Govind Narain Tiwari, (H. U. F.), Fort Road, Jaipur.	..	..	324	324
13.	Shri H. C. Golcha, 'Sohan Sadan', C-Scheme, Prithvi Raj Road, Jaipur.	..	100	..	100
14.	Shri Hans Raj Daga, Sujani Garh.	..	..	382	382
15.	M/s. Jaipur Mineral Development Syndicate (P) Ltd., Jaipur.	39	73	109	221
16.	M/s. Jaipur Mineral Development Syndicate (Firm), Jaipur.	..	..	565	565
17.	Shri Jeewan Ali through legal heir Shri Mansoor Ali, P/o M/s. Rasoolji Buxji, Udaipur.	119	..	..	119
18.	Shri Jagdish Lal Behl, C/o M/s. Pearl Woollen Mills No. 1425, Industrial Area, Ludhiana.	34	7	28	69
19.	M/s. Jhumer Lal Swaroop Lal Tewari (Karauli Section), Fort Road, Jaipur.	..	..	230	230
20.	M/s. Jhumer Lal Swaroop Lal Tewari (Bharatpur Section), Fort Road, Jaipur.	..	..	270	270
21.	Shri Kanahiya Lal Tewari, (HUF), Fort Road, Jaipur.	..	..	217	217

1	2	3	4	5	6
22.	Late Seth Kundan Lal, Ex-partner of M/s. Kundan Sugar Mills, Amtoha.		..	1568	1568
23.	M/s. Kundan Sugar Mills, (Dissolved Firm), Amroha (U.P.)	..	..	447	447
24.	M/s. Mahabir Engineering Works C/o M/s. Raj Kumar Daya Shanker, Kanchan Bhawan, Gandhi Nagar, Kanpur.	118	12	2	132
25.	Shri M.C. Golcha (H.U.F.) Golcha Garden, Jaipur.	40	73	52	165
26.	Shri M.R. Dhawan, 4/8, Asaf Ali Road, New Delhi.	..	..	2019	2019
27.	M/s. Maharaja Kishangarh Mills Ltd., Kishan Garh	..	..	72	72
28.	Shri N. V. Jain, P/o V.C. Durlabhji, Johri Bazar, Jaipur.	52	..	..	52
29.	M/s. National Exhibitors, C/o M/s. Prakash Theatres, Amritsar.	..	..	46	46
30.	M/s. Pearl Woollen Mills No. 1, 425, Industrial Area, Ludhiana.	24	17	48	89
31.	Shri Prithvi Raj Daga, Sujan Garh.	..	..	160	160
32.	Seth Puran Chand, 5-Curzon Road, New Delhi.	..	..	43	43
33.	M/s. Raj Kumar Daya Shanker, Kanchan Bhawan, Gandhi Marg, Kanpur.	19	9	8	36
34.	Shri Raj Kumar Dixit P/o above	71	65	..	136
35.	Shri Sohan Mal Golcha Alias M/s. R. Golcha & Sons (H.U.F.), Jaipur.	282	..	217	499
36.	M/s. Sohan Mal Golcha (P) Ltd., Jaipur.	48	..	28	76
37.	Shri Surinder Singh Kalron, C/o Neelam Theatre, Chandigarh.	..	..	104	104
38.	M/s. Udaipur Mineral Development Syndicate (P) Ltd., Jaipur.	..	..	150	150
39.	M/s. Vishnu Motors & Finance (P) Ltd., 48, Asaf Ali Road, New Delhi.	..	136	108	244
40.	M/s. V. C. Durlabhji, Johri Bazar, Jaipur.	45	..	..	45

[No. 3(SI/PN(3)/C/71-72).]

P. L. MALHOTRA,

Commissioner of Income Tax.

आय-कर आयुक्त कार्यालय, दिल्ली (केन्द्रीय)

आय-कर

नई दिल्ली, 5 जनवरी, 1972

एस० नो० 690.—आय-कर अधिनियम, 1961 [(1961 का {43} की धारा 287 के अनुसार भारत सरकार, वित्त मंत्रालय (राजस्व एवं बीमा विभाग), नई दिल्ली के आदेश एफ० सं० 1/1/69-आई० टी० बी० दिनांक 9 जून, 1969 द्वारा केन्द्रीय सरकार से प्राधिकृत एवं निवेशित, उन कर बकायादारों की बाबत जिन्होंने वित्तीय वर्ष 1970-71 के अन्तिम दिन तक 25,000/- रुपये या अधिक की राशि के लिये चूक की है; नामों व अन्य विवरणों को एतद्वारा प्रकाशित किया जाता है।

31-3-1971 तक कर चूक की राशि (रुपये हजारों में)

क्रम संख्या	निर्धारित का नाम व पता	9 माह से अधिक किन्तु 1 वर्ष व तीन माह से अनधिक की अवधि के लिये	1 वर्ष 3 माह व उससे अधिक किन्तु 2 वर्ष व 3 माह से अनधिक की अवधि के लिये	2 वर्ष और 3 माह व उससे अधिक की अवधि के लिये	कुल जोड़
1	2	3	4	5	6
1	श्री अम्बाल हुसैन भागीदार, मी० रसूलजी वक्स जी हाथीपोल के बाहर, उदयपुर।	128	..	..	128

1	2	3	4	5	6
2	मैसर्स विमलग्लास वर्क्स, फिरोजाबाद । . . . .	..	..	57	57
3	मैसर्स भारत यूनिवर्स एंजिनीयर्स (प्रा०) लि०, 10—दरियागंज, दिल्ली . . . . .	..	..	81	81
4	श्रीमती चम्पा मौरी, भागीदार मैसर्स बी० सी० दुर्लभजी, जौहरी बाजार, जयपुर	91	..	..	91
5	श्री दयाशंकर पांडे, द्वारा मैसर्स राजकुमार दया- शंकर, कंचन भवन, गांधी नगर, कानपुर	63	70	..	133
6	मसर्स डालमिया जैन एयरवेज (प्रा०) लि० (परिसमापनाधीन) 10—दरियागंज, दिल्ली . . . . .	..	185	805	990
7	मसर्स डालमिया सीमेंट व पेपर मार्केटिंग कं० लि० 10—दरियागंज, दिल्ली (विघटित कं०) . . . . .	..	..	11194	11194
8	मैसर्स दिल्ली ग्लास वर्क्स (प्रा०) लि०, 10— दरियागंज, दिल्ली (परिसमापनाधीन) . . . . .	..	..	284	284
9	मैसर्स गोलचा प्रापरटीज (प्रा०) लि०, (परि- समापनाधीन) जयपुर . . . . .	..	..	113	113
10	एस० गुरिन्दर सिंह कैरो, द्वारा नन्दन थियेटर, भ्रमरसर	44	..	62	106
11	श्री गुलाम भली, भागीदार मैसर्स रसूलजी वक्कसजी, हाथीपोल के बाहर, उदयपुर	112	..	..	112
12	श्री गोविन्द नारायण तिवारी, (ह० भ० कु०) फोर्ट रोड, जयपुर . . . . .	..	..	324	324
13	श्री एच० सी गोलचा, 'सोहन सदन' सी० स्कीम, पृथ्वीराज रोड, जयपुर . . . . .	..	100	..	100
14	श्री हंसराज डागा, सुजानगढ़ . . . . .	..	..	382	382
15	मैसर्स जयपुर मिनरल डवलपमेंट सिन्डीकेट (प्रा०) लि०, जयपुर	39	73	109	221
16	मैसर्स जयपुर मिनरल डवलपमेंट सिन्डीकेट (फर्म), जयपुर . . . . .	..	..	565	565
17	श्री जीवन भली द्वारा वैद्य उत्तराधिकारी श्री मंसूर भली भागीदार मैसर्स रसूलजी वक्कसजी, उदयपुर	119	..	..	119
18	श्री जगदीश लाल बहल द्वारा मैसर्स पर्ल बुलन मिल्स नं० 1,425 इण्डस्ट्रियल एरिया, लुधियाना	34	7	28	69
19	मैसर्स भूमर लाल स्वरूप लाल तिवारी (करौली सैक्शन) फोर्ट रोड, जयपुर . . . . .	..	..	230	230
20	मैसर्स भूमरलाल स्वरूप लाल तिवारी (भरतपुर सैक्शन) फोर्ट रोड, जयपुर . . . . .	..	..	270	270
21	श्री कन्हैया लाल तिवारी (हि० भ० कु०) फोर्ट रोड, जयपुर . . . . .	..	..	217	217

1	2	3	4	5	6
22	स्वर्गीय सेठ कुन्दन लाल, भूतपूर्व भागीदार मैसर्स, कुन्दन लाल शुगर मिल्स, अमरोहा .	..	..	1568	1568
23	मैसर्स कुन्दन लाल शुगर मिल्स (विषटित फर्म) अमरोहा (उ० प्र०) .	..	..	447	447
24	मैसर्स महावीर इंजीनियरिंग वर्क्स द्वारा मैसर्स राजकुमार दयाशंकर, कंचन भवन, गांधी नगर, कानपुर .	118	12	2	132
25	श्री एम० सी गोलचा, (ह० अ० कु०) गोलचा गार्डेन्स, जयपुर .	40	73	52	185
26	श्री एम० आर० धवन 4/8 आसफली रोड, नई दिल्ली .	..	..	2019	2019
27	मैसर्स महाराजा किशनगढ़, मिल्स लिमिटेड, किशनगढ़ .	..	..	72	72
28	श्री एन० वी० जैन, भागीदार वी० सी० दुर्लभजी, जौहरी बाजार, जयपुर .	52	..	..	52
29	मैसर्स नेशनल एग्जीबिटर्स द्वारा मैसर्स प्रकाश थियेटर्स, अमृतसर .	..	..	46	46
30	मैसर्स पर्ल बुलन मिल्स नं० 1,425, इण्डस्ट्रियल एरिया, लुधियाना .	24	17	48	89
31	श्री पृथ्वीराज डागा, सुजानगढ़ .	..	..	160	160
32	सेठ पूरन चन्द, 5-कर्जन रोड, नई दिल्ली .	..	..	43	43
33	मैसर्स राजकुमार दयाशंकर, कंचन भवन, गांधी नगर, कानपुर .	19	9	8	36
34	श्री राजकुमार दीक्षित, भागीदार ऊपरि-वर्णित .	71	65	..	136
35	श्री सोहन लाल गोलचा उर्फ मैसर्स आर० गोलचा एण्ड सन्स, (हि० अ० कु०), जयपुर .	282	..	217	499
36	मैसर्स सोहनमल गोलचा (प्रा०) लिमिटेड, जयपुर .	48	.	28	76
37	श्री सुरिन्दर सिंह कैरों द्वारा नीलम थियेटर, चन्दीगढ़ .	..	..	104	104
38	मैसर्स उदयपुर मिनरल डेवलपमेंट सिटीकेट (प्रा०) लि०, जयपुर .	..	..	150	150
39	मैसर्स विष्णू मोटर्स एण्ड फाइनेन्स (प्रा०) लि०, 4/8, आसफली रोड, नई दिल्ली .	..	136	108	244
40	मैसर्स वी० सी० दुर्लभजी, जौहरी बाजार, जयपुर .	45	..	..	45

[सं० 3(एस-आई०/पी० एन० (3)/सी/1971-72)]

पी० एल० मलहोत्रा, आयकर आयुक्त ।

MINISTRY OF FOREIGN TRADE

New Delhi, the 3rd January 1972

S.O. 691.—The Government of Gujarat having nominated Shri Maheshbhai Jashwantlal Shah, Chairman, Gujarat State Industrial Cooperative Sangh, Ahmedabad, to be a member of the Central Silk Board in place of Shri Shambubhai Patel under clause (g) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints him as a member of the Central Silk Board upto the 27th September, 1973 and makes the following further amendment in the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 1522 dated the 23rd April, 1970, namely:—

In the said notification against serial number 28, the following shall be substituted namely:—

“28. Shri Maheshbhai Jaswantlal Shah, Chairman, Gujarat State Industrial Cooperative Sangh, Ahmedabad.”

[No. F. 21/1/70-Tex(F)]

विदेश व्यापार मंत्रालय

नई दिल्ली, 3 जनवरी, 1972

का० प्रा० 691.—केन्द्रीय रेशम बोर्ड, अधिनियम, 1948 (1948 का 61) की धारा 4 की उपधारा 3 के खण्ड (छ) के अन्तर्गत श्री शम्भु भाई पटेल के स्थान पर गुजरात सरकार द्वारा, श्री महेश भाई जसवंतलाल शाह, अध्यक्ष, गुजरात राज्य औद्योगिक सहकारी संघ, अहमदाबाद को केन्द्रीय रेशम बोर्ड के एक सदस्य के रूप में मनोनीत किए जाने पर केन्द्रीय सरकार, 27 सितम्बर, 1973 तक केन्द्रीय रेशम बोर्ड के एक सदस्य के रूप में उन्हें एतद्वारा नियुक्त करती है तथा भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना सं० का० प्रा० 1522 दिनांक 23 अप्रैल, 1970 में निम्नलिखित अधिरिक्त संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में क्रम सं० 28 के सामने निम्नोक्त प्रतिस्थापित किया जायेगा, अर्थात्:—

“28 श्री महेशभाई जसवंतलाल शाह,
अध्यक्ष

गुजरात राज्य औद्योगिक सहकारी संघ, अहमदाबाद।

[सं० फा० 21/1/70-टेक्स(एफ०)]

S.O. 692.—The Government of Uttar Pradesh having nominated Shri A. K. Sharma, Commissioner and Director of Industries, Government of Uttar Pradesh, Kanpur, to be a member of the Central Silk Board in place of Dr. T. G. K. Charlu under clause (g) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints him as a member of the Central Silk Board and makes the following further amendment in the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 1522 dated the 23rd April, 1970, namely:

In the said notification, against serial number 18, the following shall be substituted, namely:—

“18. Shri A. K. Sharma, Commissioner and Director of Industries, Government of Uttar Pradesh, Kanpur.”

[No. F. 21/1/70-Tex(F)]

का० प्रा० 692.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4 की उपधारा 3 के खण्ड (छ)

के अन्तर्गत डा० टी० जी० के० चरलू के स्थान पर उत्तर प्रदेश सरकार द्वारा श्री ए० के० शर्मा, आयुक्त तथा उद्योग निदेशक उत्तर प्रदेश सरकार, कानपुर को केन्द्रीय रेशम बोर्ड के एक सदस्य के रूप में मनोनीत किए जाने पर, केन्द्रीय सरकार उन्हें एतद्वारा केन्द्रीय रेशम बोर्ड के एक सदस्य के रूप में नियुक्त करती है तथा भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना संख्या का० प्रा० 1522 दिनांक 23 अप्रैल 1970 में निम्नोक्त अधिरिक्त संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में क्रम संख्या 18 के सामने निम्नोक्त प्रतिस्थापित किया जायेगा, अर्थात्:—

“18 श्री ए० के० शर्मा,

आयुक्त तथा उद्योग निदेशक, उत्तर प्रदेश सरकार।
कानपुर”।

(सं० फा० 21/1/70-टेक्स (एफ०))

एम० एल० गुप्ता, उप सचिव।

ORDER

New Delhi, the 3rd January 1972

S.O. 693.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Textiles (Production by Powerloom) Control Order, 1956, namely:—

1. (1) This Order may be called the Textiles (Production by Powerloom) Control (1st Amendment) Order, 1972.

(2) It shall come into force at once.

2. In the Textiles (Production by Powerloom) Control Order, 1956 (hereinafter referred to as the said Order), clause 6 shall be renumbered as sub-clause (1) of that clause, and after sub-clause (1) as so renumbered, the following sub-clause shall be inserted, namely:—

“(2) While granting the permission under sub-clause (1), the Textile Commissioner shall specify—

- (a) the type of yarn to be used on such powerloom, and
- (b) the Reed Space of the loom to be acquired or installed.”

3. In clause 6A of the said Order—

(i) for the opening paragraph, the following paragraph shall be substituted, namely:—

“No person, whether by himself or jointly with others, except with the previous permission of the Textile Commissioner, shall weave cloth out of any yarn—

- (a) in the case of a powerloom existing at the commencement of the Textiles (Production by Powerloom) Control (1st Amendment) Order, 1972, other than the yarn on which the powerloom was working immediately before such commencement; and
- (b) in any other case, other than the yarn specified under sub-clause (2) of clause 6 by the Textile Commissioner.”

(ii) for Explanation II, the following Explanation shall be substituted, namely:—

"Explanation II.—A certificate issued by the Textile Commissioner or the State Government or any officer authorised in writing by the Textile Commissioner or the State Government in Form C as regards the types of yarn used in the power-loom shall be considered sufficient proof for the purposes of this clause."

4. Clause 6B of the said Order shall be omitted.

5. In clause 7 of the said order, for the word and figure "clause 6", the word, figures and letter "clauses 6, 6A" shall be substituted.

6. In Form C appended to the said Order—

(i) for the words, figures and letters "during the period of one year ending on the 31st July, 1956", the following shall be substituted, namely:—

"during the period of one year ending on the 31st July, 1956 the period immediately before the commencement of the Textiles (Production by Power-loom) Control (1st Amendment) Order, 1971."

(ii) for the words "Signature of the Officer of the State Government" the words "Signature of the Officer" shall be substituted.

[No. F. 2(1)Tex(F)/65]

M. L. GUPTA, Dy. Secy.

New Delhi, the 21st January 1972

S.O. 604.—In partial modification of the Government of India, late Ministry of Industry notification No. 22/2/62-E. Pty. dated the 10th December, 1962 published on page 397 of Part I-Section I of the Gazette of India dated the 15th December, 1962, the Central Government hereby cancels the appointment of Shri B. R. Chakrabarty, Inspector of Central Excise, Shillong as Inspector of Enemy Firms vide entry No. 4 of the said notification.

In exercise of the powers conferred by Section 4 of the Enemy Property Act, 1968, the Central Government is pleased to appoint Shri Anadi Ranjan Bhattacharjee Inspector of Enemy Property, Shillong, in addition to his duties vice late Shri B. R. Chakrabarty.

[No. 3(45)/71-EI&EP.]

नई दिल्ली, 21 जनवरी, 1972.

सं० 694—भारत के राजपत्र, भाग 1, खंड 1 के पृष्ठ 397 पर दिनांक 15 दिसम्बर, 1962 को प्रकाशित, भारत सरकार के भूतपूर्व वाणिज्य तथा उद्योग मंत्रालय की अधिसूचना सं० 22/2/62-ई० प्रापटी, दिनांक 10 दिसम्बर, 1962 में आंशिक संशोधन करते हुए, केन्द्रीय सरकार, शत्रु फर्मों के निरीक्षक के रूप में, श्री बी० आर० चक्रवर्ती, निरीक्षक, केन्द्रीय उत्पाद-शुल्क, शिलांग, की नियुक्ति, एतद्द्वारा रद्द करती है—देखिए उक्त अधिसूचना की प्रविष्टि 4।

शत्रु सम्पत्ति अधिनियम, 1968 की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भूतपूर्व बी० आर० चक्रवर्ती के स्थान पर श्री अनादि रंजन भट्टाचार्य, निरीक्षक, केन्द्रीय उत्पाद-शुल्क, शिलांग, को उनके कार्य के अतिरिक्त शत्रु सम्पत्ति के निरीक्षक के रूप में नियुक्त करती है।

[सं० 3 (45)/71-ई० आर्ई० एण् ई० पी०]

New Delhi, the 19th February 1972

S. O. 695.—In Pursuance of rule 8 of the export of Frozen Lobster Tails (Inspection) Rules, 1971, the Central Government hereby appoints the persons mentioned in Column (2) of the Table given below as the panel of experts for the purpose of hearing appeals under the said rules against the decision of the Export Inspection Agency mentioned in the corresponding entry in Column (1) thereof.

provided that when a member of any of the said panels is personally interested in the subject matter of any appeal he shall not take part in the proceedings relating to that appeal.

TABLE

Authority against whose decision appeal lies.	Place of hearing of appeal and persons constituting the panel of experts to which appeal lies
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	1	2
1. Export Inspection Agency—Cochin	Cochin Region (Covering the States of Kerala, Mysore and the Union Territories of the Laccadives, Minicoy and Amindivi Islands)	
	1. The Chairman, Marine Products Export Promotion Council M.G. Road, Ernakulam, Cochin	Ex-officio Chairman
	2. The Director, Central Institute of Fisheries Technology, Ernakulam, Cochin.	Ex-officio
	3. The Director of Fisheries, Government of Kerala, Trivandrum.	Ex-officio
	4. The Director of Fisheries, Government of Mysore, Bangalore	Ex-officio
	5. The President/Vice President, Sea Food Exporters Association of India, Thoppumpady, Cochin.	
	6. Shri M. Mukundan Unni, Managing Director, Kerala Fisheries Corporation Limited, Shanmugham Road, Ernakulam, Cochin	
	7. Shri R. Madhavan Nayar, Cochin Company Pvt. Ltd., Cochin.	
	8. Shri M. Devidas menon, Director, Indo-Norwegian Project, Cochin.	
	9. The Deputy Chief Executive Export Inspection Agency, Manohar Building, M.G. Road, Cochin	Ex-officio Convener
2. Export Inspection Agency—Bombay	Bombay Region Covering the States of Maharashtra, Gujarat and the Union Territories of Goa, Daman, Diu, Dadra and Nagar Haveli	
	1. The Joint Director, Export Promotion, Office of the J.C.C.I.&., Bombay New Marine Lines, C.G.O. Building, Bombay	Ex-officio Chairman
	2. The Director of Fisheries Govt. of Maharashtra, Taraporawaja Aquarium, Netaji Subhas Road, Bombay	Ex-officio

1	2	
3.	The Director of Fisheries, Govt. of Goa, Daman & Diu Panjim, Goa.	<i>Ex-officio</i>
4.	The Officer-in-Charge, Regional Office of the Central Institute of Fisheries Technology, Sassoon Docks, Colaba, Bombay	<i>Ex-officio</i>
5.	The Administrator, Maharashtra Sahakari Sangha Limited, 3, Mahatma Phule Fish Market, Bombay.	<i>Ex-officio</i>
6.	The Director, Haffkine Institute, old Government House, Bombay-12.	
7.	The Deputy Chief Executive, Export Inspection Agency-Bombay, Aman Chambers (4th floor) 113, M. Karve Road, Bombay-4.	<i>Ex-officio Convener</i>
3.	Export Madras Region (Covering the of Andhra Pradesh and Tamilnadu and the Union Territory of Pondicherry)	
1.	The Director of Fisheries, Government of Tamilnadu, Administrative Office Building, Madras.	<i>Ex-officio Chairman</i>
2.	The Director of Fisheries, Government of Andhra Pradesh, Hyderabad	<i>Ex-officio</i>
3.	The Deputy Director (Export Promotion), Office of the J.C.C.I. & E., Madras.	<i>Ex-officio</i>
4.	The Senior Marketing officer, Directorate of Marketing and Inspection, Southern Region, Sastri Bhavan, Madras.	<i>Ex-officio</i>
5.	Shri Y.M. Elias, Indo-Marine Agencies (Tamilnadu), Madras.	
6.	The Deputy Director, Export Inspection Agency-Madras, 123 Mount Road, Madras-6	<i>Ex-officio Convener</i>
4.	Export Calcutta Region (Covering the States of Assam, Bihar, Orissa, West Bengal, Meghalaya and Nagaland and the Union Territories of Manipur and Tripura, the Andaman and Nicobar Islands & and Part-B Tribal area in the State of Assam.	
1.	Dr. A. N. Bose, Professor, Food Technology, Jadabpur University, Calcutta.	<i>Chairman</i>
2.	The Director of Fisheries, Government of West Bengal, Calcutta.	<i>Ex-officio</i>
3.	The Director of Fisheries, Government of Orissa, Bhubaneswar.	<i>Ex-officio</i>
4.	The Director, Central Inland Fisheries Research Station, Barrackpore, 24-Parganas.	<i>Ex-officio</i>
5.	Shri G.R. Kassamali, P. O. Box 11229, Calcutta.	

1	2	
6.	The Deputy Director, Export Inspection Agency-Calcutta - World Trade Centre, 14/1B Ezra Street, (8th floor) Calcutta.	<i>Ex-officio Convener</i>
Export In-pection Agency-Delhi.	Delhi Region (Covering the States of Uttar Pradesh, Rajasthan Punjab, Haryana, Jammu & Kashmir, Madhya Pradesh and Union Territories of Delhi, Chandigarh, and Himachal Pradesh)	
1.	The Deputy Commissioner (Fisheries Research), Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.	<i>Ex-officio Chairman</i>
2.	The Director of Fisheries, Government of Punjab, Chandigarh.	<i>Ex-officio.</i>
3.	Shri M. K. B. Bhatnagar, Deputy Director (Export Promotion,), Ministry of Foreign Trade, Government of India, Udyog Bhavan, New Delhi.	
4.	The Deputy Director, Export Inspection Agency-Delhi, 6-B/9, Northern Extension Area, Rajinder Nagar, New Delhi.	<i>Ex-officio</i>
2.	The quorum of the panel shall be three.	
	(No. 60 (46)/Exp. Insp. /68)	
	M.K. B. Bhatnagar,	
	Deputy Director (Export Promotion)	

नई दिल्ली, 19 फरवरी, 1972

का० प्रा० 695.—झिंगा मछली के प्रशोधित पृष्ठ भाग (निरीक्षण) नियम, 1971 के नियम 8 के अनुसरण में, केन्द्रीय सरकार, नीचे दी गई सारणी के स्तम्भ (2) में उल्लिखित व्यक्तियों को, उसके स्तम्भ (1) में नत्स्थानी प्रविष्टि में उल्लिखित निर्यात निरीक्षण अधिकरण के विनिश्चय के प्रति उक्त नियमों के अधीन अपीलों की सुनवाई के प्रयोजन के लिए विशेषज्ञों के पैनल के रूप में एतद्वारा नियुक्त करती है :—

परन्तु जब उक्त पैनलों में से किसी पैनल का कोई सदस्य किसी अपील की विषय-वस्तु में व्यक्तिगत रूप से हितबद्ध हो, तो उस अपील से संबंधित कार्यवाहियों में वह भाग नहीं लेगा।

सारणी

वह प्राधिकारी अपील की सुनवाई का स्थान और विशेषज्ञों जिसके विनि- के पैनल का गठन करने वाले व्यक्ति जिसे श्चय के प्रति अपील होती है। अपील होती है।

1	2
निर्वाचन निरी- कोचीन क्षेत्र (जिसमें केरल, मसूर राज्य और क्षण अधिकरण, लक्कादिव, मिनिकोय और अमीनदीवी द्वीप-समूह कोचीन का संघ राज्य-क्षेत्र सम्मिलित हैं)	

1	2	1	2
1. अध्यक्ष, समुद्री उत्पाद निर्यात संवर्धन परिषद्, एम० जी० रोड, अर्नाकुलम, कोचीन	पदेन अध्यक्ष	3. मीन क्षेत्र का निदेशक, गोवा, दमण और दीव सरकार, पणजी, गोवा	पदेन
2. निदेशक, केन्द्रीय मीन क्षेत्र प्रौद्योगिकी संस्थान, अर्नाकुलम, कोचीन	पदेन	4. भार-साधक अधिकारी, मीन-क्षेत्र प्रौद्योगिकी के केन्द्रीय संस्थान का क्षेत्रीय कार्यालय, ससून डाक, कुलाबा, मुम्बई ।	पदेन
3. मीन क्षेत्र का निदेशक, केरल सरकार, त्रिवेन्द्रम	पदेन	5. प्रशासक, महाराष्ट्र राज्य, मच्छीमार महकरी संघ लिमिटेड, 3, महात्मा फुले फिश मार्केट, मुम्बई ।	पदेन
4. मीन क्षेत्र का निदेशक, मैसूर सरकार, बैंगलोर	पदेन	6. निदेशक, हेफकिन इन्स्टीट्यूट, ओल्ड गवर्नमेंट हाउस, मुम्बई-12	
5. अध्यक्ष/उपाध्यक्ष, सी-फूड एक्सपोर्ट्स एसोसिएशन आफ इन्डिया, थोपुमण्डी, कोचीन		7. उपमुख्य कार्यपालक, निर्यात निरीक्षण अभिकरण-मुम्बई अमन चैम्बर्स (बीथो मंजिल) 113, एम० कर्वे रोड, मुम्बई-4	पदेन संयोजक
6. श्री एम० मुकुन्दन उप्पी, प्रबंध निदेशक, केरल फिश-रोस कोर्पोरेशन लिमिटेड, शगमुगम् रोड, अर्नाकुलम, कोचीन ।		3. निर्यात निरीक्षण अभिकरण-मद्रास	
7. श्री आर० माधवन नायर, कोचीन कम्पनी प्राइवेट लिमिटेड, कोचीन		मद्रास क्षेत्र (जिसमें आन्ध्र प्रदेश, तमिल नाडु राज्य और पांडिचेरी का संघ राज्य क्षेत्र सम्मिलित है)	
8. श्री एम० देवीदास मेनन, निदेशक, इन्डो-नार्वेजियन प्रोजेक्ट, कोचीन		1. मीन क्षेत्र का निदेशक, तमिल नाडु सरकार, प्रशासनिक कार्यालय भवन, मद्रास ।	पदेन
9. उपमुख्य कार्यपालक, निर्यात निरीक्षण अभिकरण, मनोहर बिल्डिंग, एम० जी० रोड, कोचीन	पदेन संयोजक	2. मीन क्षेत्र का निदेशक, आन्ध्र प्रदेश सरकार, हैदराबाद	पदेन]
2. निर्यात निरीक्षण अभिकरण-मुम्बई		3. उपनिदेशक, (निर्यात संवर्धन) आयात और निर्यात के वयुक्त मुख्य नियंत्रक का कार्यालय, मद्रास	पदेन
1. संयुक्त निदेशक, निर्यात संवर्धन आयात और निर्यात के संयुक्त मुख्य नियंत्रक का कार्यालय, न्यू मेरिन लाईंस केन्द्रीय सरकार कार्यालय भवन, मुम्बई ।	पदेन अध्यक्ष	4. ज्येष्ठ विपणन अधिकारी विपणन और निरीक्षण का निदेशालय, साउदर्न रिजन, शास्त्री भवन, मद्रास,	पदेन
2. मीन क्षेत्र का निदेशक, महाराष्ट्र सरकार, तारोपोरवाला एक्वेरियम, नेताजी सुभाष रोड, मुम्बई ।	पदेन	5. श्री वार्ड० एम० इलियास, इंडो-मेरिन एजेंसीस (तमिल नाडु) मद्रास ।	
		6. उपनिदेशक निर्यात निरीक्षण अभिकरण-मद्रास 123 माउंट रोड मद्रास-6.	पदेन संयोजक

1	2	
4. निर्यात निरीक्षण अभिकरण कलकत्ता	कलकत्ता क्षेत्र (जिसमें असम, बिहार, उड़ीसा, पश्चिमी बंगाल, मेघालय और नागालैंड के राज्य और मणीपुर और त्रिपुरा, अरुणचल प्रदेश और निकोबार द्वीप समूह और असम राज्य में भाग-ख के जनजाति क्षेत्र सम्मिलित है)	
1.	डा० ए० एन० बोस, आचार्य, खाद्य प्रौद्योगिकी, जादवपुर विश्वविद्यालय, कलकत्ता।	अध्यक्ष
2.	मीन क्षेत्र का निदेशक, पश्चिमी बंगाल सरकार, कलकत्ता।	पदेन
3.	मीन क्षेत्र का निदेशक, उड़ीसा सरकार, भुवनेश्वर।	पदेन
4.	निदेशक, केन्द्रीय अन्तर्वेशीय मीन क्षेत्र अनुसंधान स्टेशन, बैरेकपुर, 24 परगना।	पदेन
5.	श्री जी० आर० कासम अली, पोस्ट बाक्स 11229, कलकत्ता।	पदेन
6.	उपनिदेशक, निर्यात निरीक्षण अभिकरण-कलकत्ता वर्ल्ड ट्रेड सेंटर 14/1 वी इजरा स्ट्रीट (8वीं मंजिल) कलकत्ता।	पदेन संयोजक
5. निर्यात निरीक्षण अभिकरण-दिल्ली	दिल्ली क्षेत्र (जिसमें उत्तर प्रदेश, राजस्थान, पंजाब, हरियाणा, जम्मू-कश्मीर, मध्यप्रदेश के राज्य और दिल्ली, चंडीगढ़ और हिमाचल प्रदेश के संघ राज्य क्षेत्र सम्मिलित है)	
1.	उपायुक्त (मीन क्षेत्र अनुसंधान) भारतीय कृषि अनुसंधान परिषद्, कृषि भवन, नई दिल्ली।	पदेन अध्यक्ष
2.	मीन क्षेत्र का निदेशक, पंजाब सरकार, चण्डीगढ़।	पदेन
3.	श्री एम० के० जी० भटनागर, उपनिदेशक (निर्यात संवर्धन) विदेश व्यापार मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली।	

1	2
4. उपनिदेशक, निर्यात निरीक्षण अभिकरण, दिल्ली 6-बी/9 नार्दन एक्सटेंशन एरिया, राजेंद्र नगर, नई दिल्ली।	पदेन

2. पैनल की गणपूर्ति तीन होगी।

[सं० 60(46)/नि० नि०/68]

एम० के० बी० भटनागर,
उपनिदेशक, निर्यात संवर्धन।

CARDAMOM CONTROL

New Delhi, the 2nd February 1972

S.O. 696.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 4 of the Cardamom Act, 1965 (42 of 1965), and in supersession of the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 3832, dated the 9th November, 1970, the Central Government hereby appoints Shri T. V. Swaminathan, I.A.S., as Chairman of the Cardamom Board with effect from the 20th July, 1971.

[No. F. 26(69)Plant(B)/69.]

N. N. MALHAN,
Dy. Director.

इलायची नियन्त्रण

नई दिल्ली, 2 फरवरी, 1972

एस०ओ० 696.—इलायची अधिनियम, 1965 (1965 का 42) की धारा 4 की उपधारा (3) के खण्ड (क) प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना सं० का० आ० 3832, दिनांक 9 नवम्बर, 1970 का अधिक्रमण करते हुए, केन्द्रीय सरकार श्री टी० वी० स्वामीनाथन भारतीय प्रशासनिक सेवा, को 20 जुलाई, 1971 से इलायची बोर्ड के अध्यक्ष के रूप में एतद्वारा नियुक्ती करती है।

[सं० एफ० 26 (69) प्लाट (बी०) /69]

एन० एन० मल्हन,
उप-निदेशक।

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 3rd June 1971

S.O. 697.—M/s. Nannu Mal Shyam Sunder Katra Ishwar Bhawan, Delhi-6 were granted permit No. P/E/0196950 dated 31st January 1971 valued Rs. 85,029 for import of dry Fruits from Afghanistan under the Indo-Afghan Trade Agreement 1970-71. They have applied for the duplicate copy of Exchange Control copy of the said permit on the ground that the original copy has been lost/misplaced after having been registered with Ferozepore Custom House and utilized fully.

In support of their declaration, the party has filed an Affidavit duly attested by Notary public stating that Exchange Control copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control copy of permit No. P/E 0196950 dated 30th January 1971 has been lost/misplaced and direct that duplicate copy of Exchange Control copy of the same may be issued to the applicant.

The original Exchange Control Purpose copy of the permit is hereby cancelled.

[No. 21(a)IV/N-2/(8)/A.J.-71/Indo-Afghan/CLA.]

M. G. GOMBER,

Dy. Chief Controller of Imports & Exports.

for Jt. Chief Controller of Imports and Exports.

संयुक्त मुख्य नियंत्रक, आयात-निर्यात का कार्यालय

केन्द्रीय लाइसेंस क्षेत्र

आदेश

नई दिल्ली, 3 जून, 1971

एस० श्री० 697.—मर्या श्री नन्नूमल श्याम सुन्दर, कटरा ईश्वर भवन, दिल्ली-6 को भारत-अफगान व्यापार व्यवस्था 1970-71 के अन्तर्गत अफगानिस्तान से सूखे फलों के आयात के लिए 85,029 रुपये के मूल्य का परमिट संख्या पी/ई 0196950, दिनांक 30-1-71 प्रदान किया गया था। उन्होंने उक्त परमिट की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि के लिए इस आधार पर आवेदन किया है कि मूल प्रति फिरोजपुर सीमाशुल्क कार्यालय में पंजीकृत करने के बाद और पूर्ण मूल्य तक उपयोग करने के बाद खरा गई है/ अस्थानस्थ हो गई है।

अपनी घोषणा की पुष्टि में पार्टी ने यह उल्लेख करने हुए कि उक्त परमिट की मुद्रा विनियम नियंत्रण प्रति खो गई है/अस्थानस्थ हो गई है, नोटरी पब्लिक द्वारा विधिवत साक्ष्यांकित एक शपथ-पत्र दाखिल किया है।

मैं संतुष्ट हूँ कि परमिट संख्या पी/ई/0196950, दिनांक 30-1-71 की मुद्रा विनियम नियंत्रण प्रति खो गई है/अस्थानस्थ हो गई है और निदेश देता हूँ कि आवेदक को मुद्रा विनियम नियंत्रण प्रति की अनुलिपि जारी की जाए।

परमिट की मूल मुद्रा विनियम नियंत्रण प्रति एतद्वारा रद्द की जाती है।

[संख्या 2/(ए)/4/एन०-2/(8)/ए० जे० 71/इन्डो-अफगान/सी०एल०ए०]

एम०जी० गोम्बर,

उप मुख्य नियंत्रक

कृत संयुक्त मुख्य नियंत्रक, आयात निर्यात।

[Office of the Asst. Iron and Steel Controller, Faridabad (Haryana)]

CANCELLATION ORDERS

Faridabad, the 6th July 1971

S.O. 698.—M/s. Killick Slotted Angles Ltd., Killick House, Home Street, Bombay were granted import licence No. P/D/8541736/R/ML/37/D/29-30/MLI dated 7th December 1970 for Rs. 4,64,000 under U.K./India Maintenance Loan 1969 for April-March 1970 period. They have applied for duplicate copy of the Custom Purpose Copy and Exchange Control Copy of this licence on the ground that the original Custom Purpose copy and Exchange Control Copy of this licence have been lost. It is further stated that the original licence was not registered with any customs authority and not utilised at all.

In support of this contention, the applicant has filed an affidavit. I am satisfied that the original Custom Purpose Copy and Exchange Control Copy of licence No. P/D/8541736/R/ML/37/D/29-30/MLI dated 7th December 1970 has been lost and direct that the duplicate licence (Custom Purposes Copy and Exchange Control Copy) should be issued to the applicant. The original Custom Purpose Copy and Exchange Control Copy of licence are cancelled.

[No. LC-1/1414/Am-70/HME.]

सहायक नियंत्रक लोहा तथा इस्पात का कार्यालय

आदेश

फरीदाबाद, 6 जुलाई, 1971

एस० श्री० 698.—सर्वश्री किल्लिक स्लॉटेड एंगल्स लि० किल्लिक हाउस, होम स्ट्रीट बम्बई को अप्रैल-मार्च, 1970 अवधि के लिए यू० के०/ भारत अनुक्षण ऋण, 1969 के अन्तर्गत 4,64,000 रुपये के लिए आयात लाइसेंस सं० पी/डी/8541736/आर/एम एल/37/डी/29-30/एम एल-1 दिनांक 7-12-70 प्रदान किया गया था। उन्होंने प्रस्तुत लाइसेंस की अनुलिपि सीमा शुल्क कार्य संबंधी और मुद्रा विनियम प्रतियों के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क कार्य संबंधी और मुद्रा विनियम नियंत्रण प्रतियां खो गई हैं। आगे यह बताया गया है कि मूल लाइसेंस किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं किया गया था और उस का बिल्कुल उपयोग नहीं किया गया था।

इस तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं इससे संतुष्ट हूँ कि लाइसेंस सं० पी/डी/8541736/आर/एम एल/37 डी/29-30/एम एल-1 दिनांक 7-12-70 की मूल सीमा शुल्क कार्य संबंधी और मुद्रा विनियम नियंत्रण प्रतियां खो गई हैं और निदेश देता हूँ कि आवेदक को अनुलिपि लाइसेंस (सीमा शुल्क कार्य संबंधी और मुद्रा विनियम नियंत्रण प्रतियां) जारी किया जाना चाहिए। लाइसेंस की मूल सीमा शुल्क कार्य संबंधी और मुद्रा विनियम नियंत्रण प्रतियां रद्द की जाती हैं।

[संख्या : एल० सी०-1/1414/ए०एम०-70/एच०एम०ई०]

Faridabad, the 17th September 1971

S.O. 699.—M/s. Hindustan Steel Limited, 2, Fairlie Place, Calcutta were granted import licences numbering 8553158, 8553159 and 8553160 all dated 11th June 1971 for values Rs. 1,66,00 (UK), 83,000 (GCA) and 83,000 (RPA) respectively for the period April 1970/ March 1971 with Port of Registration as Bombay being endorsed thereon. These licences were issued for the import of Prime High Carbon (containing not less than 0.4 per cent carbon) Steel Wire Rods.

Above licences have been lost/misplaced in transit and there is an apprehension about their mis-use by un-authorised persons. I direct that these licences should be treated as cancelled and in-operative.

[No. P/01/AM 71/NU/AU ELECT/PN-140/AISCD.]

M. G. GOMBER,

Dy. Chief Controller of Imports & Exports

फरीदाबाद, 17 सितम्बर, 1971

एस० प्रो० 699.—सर्वश्री हिन्दुस्तान स्टील लि०, 2, फेयरली प्लेस, कलकत्ता को अप्रैल 70/मार्च 71 अवधि के लिए आयात लाइसेंस संख्याएं 8553158, 8553159, 8553160 का दिनांक 11-6-71 क्रमशः 1,66,000 रु० (यू० के०), 83,000 रु० (सामान्य मुद्रा क्षेत्र) और 83,000 रुपये (रुपया भुगतान क्षेत्र मूल्यों के लिए उन पर पंजीकरण का पत्तन बन्वाई पृष्ठांकन के साथ प्रदान किए गए थे। ये लाइसेंस प्राइम हाई कार्बन (जिसमें कार्बन की मात्रा 0.4 प्रतिशत से कम न हो) इस्पात तार छड़ों के लिए जारी किए गए थे।

उपर्युक्त लाइसेंस मार्ग में खो गए अस्थानस्थ हो गए हैं और अप्राधिकृत व्यक्तियों द्वारा उनका दुरुपयोग करने की आशंका है। मैं निदेश देता हूँ कि ये लाइसेंस रद्द किए गए और ब्रेकार समझे जाए।

[संख्या पी/91/ए० एम० 71/एन० यू०/ए० यू/इलेक्ट/ पी० एन०-140/ए० आई० एम० सी० डी०)]

एम० जी० गोम्बर,

उप मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Dy. Asstt. Iron and Steel Controller)

ORDER

Madras, the 31st July 1971

SUB.—Cancellation of Customs Purposes copy of import licence No. P/S/853928/C/XX/38/M/29-30-19/459 dated 18th January, 1971, for B.P. Sheets below 5 mm. in thickness (hot and cold rolled) including wide strips in coils for a value of Rs 4,200 issued in favour of M/s. Andhra Iron Brass and Copper Mfg. Works, Ongole, A.P.

S.O. 700.—M/s. Andhra Iron Brass and Copper Mfg. Works, Bandlamitta, Ongole, Andhra Pradesh were issued one licence bearing No. P/S/853928/C/XX/38/M/29-30/19/459, dated 18th January, 1971, for the period April, 1969—March, 1969 for import of B. P. Sheets below 5 mm. in thickness hot and cold rolled including wide strips in coils for the end-use Barn Chimneys trunks excluding drums barrels and furniture as per 69-70 policy for a value of Rs. 4,200. The firm has applied for a duplicate copy of Customs Purposes copy of the licence in question on the ground that original Customs Clearance Purposes copy has been lost. In support of this contention they have filed an affidavit to the effect that the said Customs Clearance Purposes copy has been lost without having been registered with any Customs authority and utilised at all.

I am satisfied that the Custom copy of the import licence has been lost and duplicate of the same be issued to the firm,

The original Customs copy of the licence is hereby cancelled.

[No. IMP/SM/29-30/L-III/459.]

उप महायक नियंत्रक लाहौर तथा इस्पात का कार्यालय

आदेश

मद्रास, 31 जुलाई 1971

विषय:—सर्वश्री आन्ध्र आयरन ब्रॉस एण्ड कॉपर मैनुफैक्चरिंग वर्क्स आन्ध्र प्रा० की 5 एम एम से कम मोटाई वाली बी० पी० चट्टों (हाट एण्ड कोल्ड रोल्ड) जिन में लच्छों में वाइड स्ट्रिप्स भी शामिल हैं के आयात के लिए 4,200 रु० के लिए जारी किए गए आयात लाइसेंस सं० पी/एस/8539328/सी/एक्स एक्स/38/एम/29-30/19/459 दिनांक 18-1-1971 को सीमा शुल्क कार्य संबंधी प्रति को रद्द करना।

एस० प्रो० 700.—सर्वश्री आन्ध्र आयरन ब्रॉस एण्ड कॉपर मैनुफैक्चरिंग वर्क्स 'बन्डलामित्ता' ओपोली, आन्ध्र प्रा० की 69-70 नोति के अनुसार अप्रैल 69/मार्च 69 अवधि के लिए बार्न जिम्ब्रेज ट्रंक्स जिनमें ड्रम बैरल तथा फर्नीचर शामिल हैं में अन्तिम प्रयोग में आने वाले 5 एम० एम० मोटाई से कम बी० पी० शीट्स हाट तथा कोल्ड रोल्ड जिन में वाइड स्ट्रिप्स भी शामिल हैं के आयात के लिए 4,200 रु० का आयात लाइसेंस सं० पी/एस/8539328/सी/एक्स एक्स/38/एम/29-30/19/459, दिनांक 18-1-71 जारी किया गया था। फर्म विषयाधीन लाइसेंस की अनुलिपि सीमा शुल्क कार्य संबंधी प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क कार्य संबंधी प्रति खो गई है। इस तर्क के समर्थन में उन्होंने एक शपथ पत्र दाखिल किया है और बताया है कि उक्त सीमा शुल्क कार्य संबंधी प्रति सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए बिना ही और उपयोग किए बिना ही खो गई है।

मैं इससे संतुष्ट हूँ कि लाइसेंस की सीमा शुल्क कार्य संबंधी प्रति खो गई है और फर्म को उसी की अनुलिपि प्रति जारी की जानी चाहिए।

लाइसेंस को मूल सीमा शुल्क कार्य संबंधी प्रति एतद्वारा रद्द की जाती है।

[सं० आई० एम० पी/एम० एम०/29-30/एल०-3/459]

Madras, the 21st August 1971

SUBJECT.—Cancellation of original Release Order No. P/S/R/M/921039/27-28 dated 22nd March, 1971 for Stainless Steel Sheets/Strips 0.5 mm and thinner excluding Heat Resisting Type for a value of Rs. 9,900 issued in favour of M/s. Agrico Industries, D-2, Unit, Industrial Estate, Patancheru, Andhra Pradesh.

S.O. 701.—M/s. Agrico Industries, D-2, Unit, Industrial Estate, Patancheru, Andhra Pradesh were issued one Release Order bearing No. P/S/R/M/921039/27-28 dated 22nd March 1971 for the period April 68/March 69 for allotment of Stainless Steel Sheets/Strips 0.5 mm and thinner excluding Heat Resisting Type for the end products Hospital Equipments Anaesthesia Trolley as per 68-69 policy for a value of Rs. 9,900. The firm applied for a duplicate copy of the Release Order in

question on the ground that the original copy has been lost. In support of this contention they have filed an Affidavit to the effect that the said Release Order copy has been lost without having been registered with the Minerals and Metals Trading Corporation authority and not utilised at all.

I am satisfied that the original Release Order has been lost and duplicate of the same be issued to the firm.

The original Release Order is hereby cancelled.

[No. IMP/SM/L.III/387/68-69.]

M. VIRARAGHAVAN,

Dy. Chief Controller of Import and Exports.

मद्रास, 21 अगस्त, 1971

विषय : सर्वश्री एग्रिको इन्डस्ट्रीज, डी.-2, यूनिट इन्डस्ट्रियल एस्टेट पतनचेरु आन्ध्र प्रदेश को 0.5 एम.एम.ओर इसमें पतली अधिकारी हस्तात शीट्स स्ट्रिप्स जिन में ताप विरोधी किस्म शामिल नहीं है, के लिए 9900/- रुपये के लिए जारी किए गए मूल रिहाई आदेश संख्या : पी/एस/आर एम/921039/27-28, दिनांक 22-3-71 को रद्द करना।

एस०ओ० 701.—सर्वश्री एग्रिको इन्डस्ट्रीज, डी०-2, यूनिट, इन्डस्ट्रियल एस्टेट, पतनचेरु, आन्ध्र प्रदेश को अप्रैल, 68/मार्च 69 अवधि के लिए 68-69 की नीति पुस्तक में दिए गए के अनुसार अग्निम उत्पादन अस्पताल उपकरण एतस्थितिया ट्राली के लिए 0.5 एम.एम.ओर इसमें पतली अधिकारी हस्तात चदरों/स्ट्रिप्स के आवंटन के लिए जिनमें ताप विरोधी किस्म शामिल नहीं है, 9,900 रु० का एक रिहाई आदेश संख्या पी०/एस/आईएम/921039/27-28, दिनांक 22-3-71 जारी किया गया था। फर्म ने विषयाधीन रिहाई आदेश की अनुलिपि प्रति के लिए इस आधार पर आवेदन किया गया है कि मूल प्रति खो गई है। इस तर्क के समर्थन में उन्होंने यह बताते हुए एक शपथ पत्र दाखिल किया है कि उक्त रिहाई आदेश खनिज तथा धातु व्यापार निगम प्राधिकारी के पास बिना पंजीकृत कराए और बिना उपयोग किए ही खो गया है।

मैं इससे संतुष्ट हूँ कि मूल रिहाई आदेश खो गया है और फर्म को उसकी अनुलिपि प्रति जारी की जानी चाहिए। मूल रिहाई आदेश एतद्वारा रद्द किया जाता है।

[सं आई०एम०पी०/एस०एम०/एल०-3/387/68-69]

एम० वीराराघवन,

उप-मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Madras, the 30th August 1971

SUBJECT.—Cancellation of licence No. P/S/1668252 dated 21st September 1970.

S.O. 702.—M/s. Anil Fireworks Factory Pallapatti, was issued a licence bearing No. P/S/1668252 dated 21st September 1970 for the period April/March 1968 for import of Gum Arabic and Coloured Newsprint for Rs. 77871. The firm have applied for duplicate Customs Copy of the above licence on the ground that the original has been misplaced after having been registered with Bombay Customs authority and party utilised upto the extent of Rs. 60435 leaving a balance of Rs. 17436. In support of this contention, they have filed an affidavit,

I am satisfied that the original licence (Customs Copy) has been misplaced and duplicate of the same be issued to the firm.

The original licence in question (Customs Copy) is hereby cancelled.

....

[No. P. 36/66/AM 68/SSI.(II).]

M VIRARAGHAVAN,

Deputy Controller of Imports & Exports

for Jt. Chief Controller of Imports & Exports.

संयुक्त मुख्य नियंत्रक, आयात-निर्यात का कार्यालय

आदेश

मद्रास 30 अगस्त, 1971

विषय:—लाइसेंस सं० पी/एस/1668252, दिनांक 21-9-70 को रद्द करना।

एस०ओ० 702.—सर्व श्री अनिल फायर वर्क्स फैक्ट्री पल्लापट्टी को अप्रैल-मार्च 1968 अवधि के लिए, अग्निम गोद और रंगदार अखबारी कागज के आयात के लिए 77871 रुपये, का आयात लाइसेंस सं० पी/एस/1668252 दिनांक 21-9-70 स्वीकृत किया गया था। फर्म ने उक्त लाइसेंस की अनुलिपि सीमा-शुल्क कार्य संबंधी प्रति के लिए इस आधार पर आवेदन किया है कि मूल प्रति बम्बई सीमा-शुल्क प्राधिकारी के पास पंजीकृत कराने तथा 17436 रुपये बाकी शेष छोड़ कर 60435 रुपये तक का आंशिक रूप में उपयोग करने के पश्चात् अस्थानस्थ हो गई। इस तर्क के समर्थन में उन्होंने एक शपथ-पत्र दाखिल किया है।

मैं इससे संतुष्ट हूँ कि मूल लाइसेंस (सीमा-शुल्क प्रति) अस्थानस्थ हो गया है और आवेदक को उसी की एक अनुलिपि प्रति जारी की जानी चाहिए।

विषयाधीन मूल लाइसेंस (सीमा-शुल्क प्रति) एतद्वारा रद्द किया जाता है।

[संख्या : पी० 36/66/ए० एम० 68/एस०एस०आई०-2]

एम० वीराराघवन,

उप-मुख्य नियंत्रक, आयात-निर्यात,

कुछे संयुक्त मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Jt. Chief Controller of Imports and Exports)

(C.L.A.)

ORDERS

New Delhi, the 6th June, 1971

S.O. 703.—M/s. The Bilton Industries (P) Ltd., 4/A, Anand Parbat Estate, New Rohtak Road, New Delhi, were granted import licence No. P/S/1339131, dated 10th February, 1971 for the import of B.P.M.S. Sheets (Hot Rolled and Cold Rolled) including Tinmill Black Plate Quality in below 5 mm thickness on U.K. for Rs. 21468 (Rs. Twenty one thousand four hundred and sixty eight only). They have applied for the issue of duplicate copy of the Exchange Control Copy of the licence on the ground that the Exchange Control Copy of the licence has been misplaced without having been registered with any Custom authorities utilised at all and the same is required for remittance of Rs. 21468/- only, the unutilised balance.

2. The applicant have filed an affidavit on stamped paper in support of their contention as required under Para 299(2) read with Appx. 8 of the I.T.C. Hand Book of Rules and Procedure, 1970. I am satisfied that the original Exchange Control Purposes copy of the licence has been misplaced.

3. In exercise of the powers conferred on me under clause 9(cc) Imports (Control) Order, 1955 dated 7th December, 1955 as amended upto date, I order cancellation of Exchange Control Purposes Copy of Licence No. P/S/1339131/R/ML/38/D/31-32 dated 10th February, 1971.

4. The applicant's case will now be considered for issue, of a duplicate Exchange Control Purposes copy of the said licence in accordance with Para 313(1) & (2) of I.T.C. Hand Book of Rules and Procedure, 1970.

[No. F. P.N/140/70/17/Del.AM.71/AU.UT.CLA.]

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

(केन्द्रीय लाइसेंस क्षेत्र)

आदेश

नई दिल्ली, 6 जून 1971

एस०ओ० 703.—सर्वश्री बिल्टन इन्डस्ट्रीज (प्रा०) लि०; 4/ए, आनन्द पर्वत इस्टेट, न्यू रोहतक रोड, नई दिल्ली को यू० के० ऐ० टीनमिल ब्लैक प्लैट क्वालिटी मोटार्ड में 5 मि०मी० से नीचे सहित बीपी एम एस शीट्स (हार्टे राल्ड और कोल्ड राल्ड) के आयात के लिए 21468/- रुपये (इक्कीस हजार चार सौ अड़सठ रुपये मात्र) का आयात लाइसेंस संख्या पी/एस/1339131, दिनांक 10-2-71 प्रदान किया गया था। उन्होंने मुद्रा-विनियम नियंत्रण प्रति की अनुलिपि के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मुद्रा-विनियम नियंत्रण प्रति अस्थानस्थ हो गई है। उसका किसी भी सीमा शुल्क कार्यालय में पंजीकरण नहीं हुआ था और उसका उपयोग भी बिल्कुल नहीं हुआ था और उसकी जरूरत बाकी बिना उपयोग की गई धनराशि 21468 रुपये के प्रेषण के लिए है।

2. आवेदक ने अपने तर्कों के समर्थन में कंडिका 299 (2) इसे नियम क और क्रियाविधि को आई टी सी हैडबुक, 1970 का अनुबन्ध-8 के साथ पढ़े, स्टाम्प पेपर पर एक शपथ पत्र जमा किया है। मैं संतुष्ट हूँ कि लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति अस्थानस्थ हो गई है।

3. यथा संशोधित अद्यतम आयात (नियंत्रण), आदेश, 1955, दिनांक 7-12-1955 की धारा 9 (सीसी) के अन्तर्गत मेरे लिए प्रदत्त शक्तियों का उपयोग कर लाइसेंस संख्या पी/एस/1339131/आर/एमएल/38/डी/31-32, दिनांक 10-2-71 की मूल मुद्रा विनियम नियंत्रण कार्य सम्बन्धी प्रति को रद्द करने का आदेश देता हूँ।

4. उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण कार्य सम्बन्धी प्रति बाकी करने के सम्बन्ध में आवेदक के मामले पर विचार नियम और क्रियाविधि की आई० टी० सी० हैडबुक, 1970 की कंडिका 313 (1) और (2) के अनुसार किया जाएगा।

[संख्या पी०एन०/140/70/17/डेल०ए०एम० 71/एयू० यूटी.सी०एल०ए०]

New Delhi, the 20th August 1971

S.O. 704.—M/s. Prakash Pulverising Mills, Industrial Area, Alwar (Raj) were granted Import licence No. P/S/1694256 dated 7th April 1971 for Endrin and Aldrin for Rs. 72,794. They have applied for issue of duplicate copy of Exchange Control Copy on the ground that the original Exchange Control Copy has been lost misplaced without having been registered with any Custom Authority and without having been utilised at all.

In support of their contention the party have furnished affidavit to the effect that original Exchange Control Copy has been lost/misplaced in terms of para 313(2) of I.T.C. Hand Book of Rules and Procedure 1970. I am satisfied that the original Exchange Control Copy has been lost/misplaced.

In exercise of the powers conferred on me under section 9(CC) Import (Control) Order 1955, dated 7th December, 1955, I order the Cancellation of Exchange Control Copy No. P/S/1694256 dated 7th April 1971.

The applicant is now being issued a duplicate copy of the Exchange Control Copy of this licence in accordance with the provisions of para 313(4) of I.T.C. Hand Book of Rules and Procedure 1970.

No. F. IDA-1/Raj/AM.69/AU.Raj&Adhoc/CLA/135657.]

नई दिल्ली, 20 अगस्त, 1971

एस०ओ० 704:—सर्व श्री प्रकाश पल्वरराजिंग मिल्स, इंडस्ट्रियल एरिया अलवर (राज०) को एन्ड्रिन और एलड्रिन के लिए 72,794 रुपये का आयात लाइसेंस सं० पी०/एस०/1694256 दिनांक 7-4-71 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रति बिना किसी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए बिना उपयोग खो गई है / अस्थानस्थ हो गई है।

अपने तर्कों के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम तथा कार्य विधि पुस्तक हैडबुक, 1970 की कंडिका 313 (2) में अपेक्षित अनुसार यह बताते हुए एक शपथ पत्र दाखिल किया है कि उक्त लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है / अस्थानस्थ हो गई है।

आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की धारा 9 (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर मैं लाइसेंस सं० पी०/एस०/1694256 दिनांक 7-4-71 की मुद्रा विनियम नियंत्रण प्रति को रद्द करने का आदेश देता हूँ।

आवेदक को अब, आयात नियंत्रण नियम तथा कार्यविधि पुस्तक हैड बुक, 1970 की कंडिका 313 (4) में दी गई व्यवस्थाओं के अनुसार प्रदत्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति जारी की जा रही है।

[सं०आई०डी०ए० 1/राज०/ए०एम० 69/एयू० राज० एण्ड एडहाफ/सी०एल०ए०/135657]

New Delhi, the 7th September 1971

S.O. 705.—M/s. Sohag Bindi House, Halu Bazar, Bhiwani, Haryana were granted import licence No. P/S/1618535 dated 31st March, 1970, for Rs. 2,543 for import of C.N. Sheets (ITC Sr. No. 101-d-V) for AM70 licensing period. They have applied for issue of duplicate copies of Custom Purposes thereof on the ground that original copy has been lost/misplaced without having been utilised at all having been registered with Custom House, Bombay.

2. The applicant have filed an affidavit in support of their contention as required under para 313(2) of I.T.C. Hand Book of Rules and Procedure, 1970. I am satisfied that the original Custom Purposes copy of the licence in question has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) Import (Control) Order, 1955 dated 7th December, 1955, I order the cancellation of Custom Purposes copy of licence No. P/S/1618535 dated 31st March, 1970.

4. The applicant is now being issued duplicate copy for Custom Purposes of the licence in accordance with the provision of para 313(4) of ITC Hand Book of Rules and Procedure, 1970.

[No. F. NP/46/AM70/AU-HH/CLA/2252.]

नई दिल्ली, 7 सितम्बर 1971

एस० नो० 705.—सर्वश्री मुहाग बिन्दी हाउस हालु बाजार, भिवानी, हरियाणा को अप्रैल-मार्च, 70 लाइसेंस अवधि के लिए सी एन शीट्स (आईटी सी क्रम सं० 101-डी-5) के आयात के लिए 2,543 रुपये का आयात लाइसेंस संख्या पी/एस/1618535, दिनांक 31-3-70 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमा-शुल्क कार्य सम्बन्धी प्रति के लिए इस आधार पर आवेदन किया है कि मूल प्रति सीमा-शुल्क कार्यालय बम्बई के पास बिना पंजीकृत कराए और बिना उपयोग किए ही खो गई है।

अपने तर्क के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम तथा कार्यविधि, हैडबुक, 1970 की कंडिका 313(2) में अपेक्षित अनुसार एक शपथ पत्र दाखिल किया है। मैं इससे संतुष्ट हूँ कि विषयाधीन लाइसेंस की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति खो गई है/अस्थानस्थ हो गई है।

आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 (सी सी) के अन्तर्गत प्रदत्त अधिकारों को प्रयोग कर मैं लाइसेंस सं० पी/एस/1618535, दिनांक दिनांक 31-3-1970 की सीमा-शुल्क कार्य सम्बन्धी प्रति को रद्द करने का आदेश देता हूँ।

आवेदक को अब आयात व्यापार नियंत्रण नियम तथा कार्य-विधि, हैडबुक, 1970 की कंडिका 313(4) में दी गई व्यवस्थाओं के अनुसार लाइसेंस की अनुलिपि सीमा-शुल्क कार्य-सम्बन्धी प्रति जारी की जा रही है।

[मं० एन० पी/46/ए०एम०-70/ए० यू०-एच० एच०/सी० एल०ए०]

New Delhi, the 6th October 1971

S.O. 706.—M/s. Tochi, FB/36, Industrial-Cum-Housing Estate, Mathura Road, Faridabad were granted import licence No. P/S/1694948 dated 24th April, 1971, for Rs. 63,360 for import of Carbon Black, P. G. Red

Oxide etc., for AM71 licensing period. They have applied for issue of duplicate copy of Exchange Control Purposes Copy thereof on the ground that original copy has been lost/misplaced without having been utilised at all.

2. The applicant have filed an affidavit in support of their contention as required under para 313(2) of I.T.C. Hand Book of Rules and Procedure, 1970. I am satisfied that the original Exchange Control Purposes Copy of the licence in question has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) Import (Control) Order, 1955 dated 7th December, 1965, I order the cancellation of Exchange Control Copy of Licence No. P/S/1694948 dated 24th April, 1971.

4. The applicant is now being issued duplicate copy for Exchange Control Purposes Copy of the licence in accordance with the provision of para 313(4) of ITC Hand Book of Rules and Procedure, 1970.

[No. F. P/T-3/AM71/AU-HH/CLA/2700.]

D. S. MOKRIMA,

Dy. Chief Controller of Imports & Exports,
for Jt. Chief Controller of Imports and Exports.

दिनांक 6-10-1971

एन० नो० 706—पर्वश्री टोची, एफ बी/36, इन्डस्ट्रियल और हार्जमग इस्टेट, मथुरा रोड, फरीदाबाद को अप्रैल-मार्च, 1971 लाइसेंस अवधि के लिए कार्बन ब्लैक, पी० जी० रेड आक्साइड आदि के आयात के लिए 63,360 रु० का आयात लाइसेंस सं० पी/एस/1694948 दिनांक 24-4-71 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति का बिना कुछ भी उपयोग किए ही खो गई है/अस्थानस्थ हो गई है।

अपने तर्क के समर्थन में आयात व्यापार नियंत्रण नियम तथा कार्यविधि, हैडबुक, 1970 की कंडिका 313(2) में अपेक्षित अनुसार एक शपथ पत्र दाखिल किया है। मैं इससे संतुष्ट हूँ कि विषयाधीन लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है/अस्थानस्थ हो गई है।

आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955, की धारा 9 (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर मैं लाइसेंस सं० पी/एस/1694948 दिनांक 24-4-1971 की मूल मुद्रा विनिमय नियंत्रण प्रति को रद्द करने का आदेश देता हूँ।

आवेदक को अब आयात व्यापार नियंत्रण नियम तथा कार्य-विधि, हैडबुक, 1970 की कंडिका 313(4) में दी गई व्यवस्थाओं के अनुसार लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति जारी की जा रही है।

[मं० जी० टी०-3/ए०एम० 71/ए० यू०-एच० एच०/सी० एल०ए०]

डी० एस० मोरक्रिमा,

उप मुख्य नियंत्रक, आयात-निर्यात
कृते संयुक्त मुख्य नियंत्रक, आयात निर्यात

(Office of the Jt. Chief Controller of Imports and Exports)
(Central Licensing Area)
ORDERS

New Delhi, the 14th September 1971

S.O. 707.—M/s. Nand Lal Kannya Lal, 05, Subzi Mandi, Delhi-7 were granted an Established Importers licence No. P/EI/0173033 dated 30th October, 1969 for Rs. 5000 for import of Dates as per condition attached. They have applied for the Duplicate Exchange Control Copy of the said licence on the ground that the original has been lost or misplaced. It is, further stated by the firm that the Original Exchange Control copy of the said licence has not been utilised by them for Rs. 2032-70 Paise through Bankers. The duplicate Exchange Control Copy is required for banking formalities.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the Original Exchange Control Copy of the licence has been lost or misplaced.

I am satisfied that the original Exchange Control copy of the said licence has been lost and direct that a duplicate exchange control copy of the licence for Rs. 2032.70 Paise should be issued to the applicant. The Original Exchange Control copy of the licence is cancelled.

[No. F. 21(B)-IV/504/Iraq/SA-70/IS/CIA.]

संयुक्तमुख्य यंत्रक आयात निर्यात का कार्यालय
(केन्द्रीय लाइसेंस क्षेत्र)

आदेश

नई दिल्ली, 14 सितम्बर, 1971

एस० ओ० 707.—सर्वश्री नन्द लाल कन्हैयालाल, 55 सब्जीमण्डी, दिल्ली-7 को लाइसेंस के साथ संलग्न शर्तों के अनुसार खजूरों के आयात के लिए 5000 रु० का एक संस्थापित आयातक लाइसेंस संख्या पी/ई आई 5/0173033, दिनांक 30-10-69 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल प्रति खो गई है अथवा अस्थानस्थ हो गई है। आगे यह बताया गया है कि उनके बैंकरों द्वारा लाइसेंस को मूल मुद्रा विनियम नियंत्रण प्रति का 2032.70 रु० के लिए उपयोग नहीं किया गया था। उन्हें अब बैंक औपचारिकताओं के लिए अनुलिपि मुद्रा विनियम नियंत्रण प्रति की आवश्यकता है।

अपनी घोषणा के समर्थन में आवेदक ने यह बताते हुए कि उपयुक्त लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है अथवा अस्थानस्थ हो गई है, विधिवत साक्ष्यांकित एक शपथपत्र दाखिल किया है।

मैं इससे सन्तुष्ट हूँ कि लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है और निदेश देता हूँ कि आवेदक को 2032.70 रुपये के लिए लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति जारी की जानी चाहिए। लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति रद्द की जाती है।

[संख्या: 21(बी०)-4/504/ईराक/एस०ए०-70/आई०एस/सा०एल०ए]

S.O. 708.—M/s. Bansi Lal Mehta and Company, 26/5, Rajinder Nagar, New Delhi were granted a supplementary Established Importers licence No. P/E/0180315/C/BQ/34/d/30-31 dated 6th January, 1970 for Rs. 2500 for import of dates as per condition attached.

They have applied for the duplicate Customs purpose control copy of said licence on the ground that the original has been lost or misplaced. It is further stated by the firm that the original Custom copy of the licence was registered with Custom House Bombay and has been utilised for Rs. 1500. The Duplicate Custom purpose copy of the licence is requested for balance amount of Rs. 1000. In support of the declaration, the applicant has filed an affidavit duly attested stating that the original Customs Purpose Copy of the licence has been lost or misplaced.

I am satisfied that the Original Customs Purpose copy of the said licence has been lost and direct that duplicate Customs Purpose Copy of licence to cover balance amount Rs. 1000 should be issued to the applicant. The original Custom Purpose copy of the licence is cancelled.

[No. F. 21(b)-IV/80/Iraq/SA.70/INDO SWA/CLA.]

एस०ओ० 708.—सर्वश्री बंशीलाल मेहता एण्ड कं० 26/5, राजिन्दर नगर, नई दिल्ली को खजूरों के आयात के लिए लाइसेंस के साथ संलग्न शर्तों के अनुसार 2500 रु० के लिए एक पूरक संस्थापित आयातक लाइसेंस सं० पी/ई/0180315/सी/बी क्यू/34/डी/30-31 दिनांक 6-1-70 स्वीकृत किया गया था।

उन्होंने उक्त लाइसेंस की अनुलिपि सीमा शुल्क कार्य सम्बन्धी प्रति के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल प्रति खो गई है अथवा अस्थानस्थ हो गई है। फर्म द्वारा आगे यह बताया गया है कि लाइसेंस की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति सीमा-शुल्क कार्यालय, बम्बई में पंजीकृत की गई थी और 1500 रु० के लिए उसका उपयोग कर लिया गया है। शेष 1000 रु० के लिए लाइसेंस की अनुलिपि सीमा शुल्क कार्य सम्बन्धी प्रति के लिए आवेदन किया गया है। अपने तर्कों के समर्थन में आवेदक ने विधिवत साक्ष्यांकित एक शपथ पत्र यह बताते हुए दाखिल किया है कि लाइसेंस की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति खो गई अथवा अस्थानस्थ हो गई है।

मैं इससे सन्तुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा-शुल्क कार्य-सम्बन्धी प्रति खो गई है और निदेश देता हूँ कि शेष 1000 रु० का उपयोग करने के लिए आवेदक को लाइसेंस की अनुलिपि सीमा-शुल्क कार्य सम्बन्धी प्रति जारी की जानी चाहिए। लाइसेंस की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति रद्द की जाती है।

[संख्या 21(बी०)-4/80/ईराक/एस०ए०-70/इन्डो०एस०डब्ल्यू०ए०/सी०एल०ए०]

New Delhi, the 15th September 1971

S.O. 709.—M/s. Kora Ram S/o. Mesh Das, House No. 1054, B-II, Kewal Gunj, Rohtak were granted an Established Importers licence No. P/EI/0172287 dated 9th October, 1969 for Rs. 5,000 for import of Dates as per conditions attached. They have applied for the duplicate Exchange Control Copy of the said licence on the ground that the original has been lost or misplaced. It is, further stated by the firm that the original exchange control copy of the said licence was utilised by their bankers. The duplicate exchange control copy is required by them for Rs. 2032-70 Paise for banking purposes only.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the original exchange control copy of the licence has been lost or misplaced.

I am satisfied that the Original Exchange Control Copy of the said licence has been lost and direct that a duplicate Exchange Control Copy of the licence for Rs. 2032-70 P. should be issued to the applicant. The Original Exchange Control Copy of the licence is cancelled.

[No. F. 21(b)/IV/39/Iraq/Sept-Aug.70/IS:CLA.]

नई दिल्ली, 15 सितम्बर 1971

एस० आ० 709—सर्वश्री. कोरा राम, सुपुत्र मेश दाम, भकान सं० 1054, बी-2, केवलगंज, रोहतक को लाइसेंस के साथ संलग्न शर्तों के अनुसार खजूरों के आयात के लिए 5,000 रुपये का एक संस्थापित आयातक लाइसेंस संख्या : पी/ई आई/0172287, दिनांक 9-10-69 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियन्त्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल प्रति खो गई है अथवा अस्थानस्थ हो गई है। आगे यह बताया गया है कि उनके बैंकों द्वारा उक्त लाइसेंस की मुद्रा विनिमय नियन्त्रण प्रति का उपयोग किया गया था। उन्हें अब केवल बैंक सम्बन्धी प्रयोजनों के लिए 2032.70 रुपये के लिए अनुलिपि मुद्रा विनिमय नियन्त्रण प्रति की आवश्यकता है।

अपनी घोषणा के समर्थन में आवेदक ने यह बताते हुए कि उपर्युक्त लाइसेंस की मूल मुद्रा विनिमय नियन्त्रण प्रति खो गई है अथवा अस्थानस्थ हो गई है विधिवत् साक्ष्यकित एक शपथ पत्र दाखिल किया है।

मैं इससे सन्तुष्ट हूँ कि लाइसेंस की मूल मुद्रा विनिमय नियन्त्रण प्रति खो गई है और निदेश देता हूँ कि आवेदक को 2032.70 रुपये के लिए लाइसेंस की अनुलिपि मुद्रा विनिमय नियन्त्रण प्रति जारी की जानी चाहिए। लाइसेंस की मूल मुद्रा विनिमय नियन्त्रण प्रति रद्द की जाती है।

[संख्या 21 (बी०)/4/39/ईराक/सितम्बर-अगस्त, 70/आई०एस० सी० एल० ए०]

New Delhi, the 23rd November 1971

S.O. 710.—M/s. D. Raj Traders, 2169, Tilak Bazar, Delhi were granted permit No. P/E/8558072 dated 11th July, 1971, valued Rs. 10,200/- for import of Grapes from Afghanistan under the Indo-Afghan Trade arrangement 1971-72. They have applied for the duplicate copy of Exchange Control Copy of the said permit on the ground that the original copy has been lost/misplaced after having been registered with Hussaniwala Ferozepur Custom House and utilised fully and duplicate copy of the Exchange Control Copy of licence for adjustments of imports with Reserve Bank of India, New Delhi.

I am satisfied that Exchange Control Copy of permit No. P/E/8558072 dated 11th July, 1971, has been lost/misplaced and direct that duplicate copy of Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Purposes Copy of the permit is hereby cancelled.

[No. 21(a)-IV/Per/D-I(5)/A. J-72/Indo-Afghan/CLA.]

G. S. SHARMA,

Dy. Chief Controller of Imports and Exports,
for Jt. Chief Controller of Imports and Exports.

नई दिल्ली, 23 नवम्बर 1971

एस० आ० 710.—सर्वश्री बी० राज ट्रेडर्स, 2169, तिलक बाजार, को भारत-अफगान करार, 1971-72 के अन्तर्गत अफगानिस्तान से अंगूरों के आयात के लिए 10,200 रुपये मूल्य का परमिट संख्या : पी/ई/8558072, दिनांक 11-7-71 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियन्त्रण प्रति के लिए इस आधार पर आवेदन किया है कि उक्त परमिट को हुसैनीवाला फिरोजपुर सीमा-शुल्क कार्यालय में पंजीकृत कराने और उसका पूरा-पूरा उपयोग कर लेने के बाद खो गया है/अस्थानस्थ हो गया है और लाइसेंस की अनुलिपि मुद्रा विनिमय नियन्त्रण प्रति को जरूरत रिजर्व बैंक आफ इण्डिया, नई दिल्ली के साथ आयातों का समायोजन करने के लिए है।

मैं संतुष्ट हूँ कि परमिट संख्या : पी/ई/8558072, दिनांक 11-7-71 की मुद्रा विनिमय नियन्त्रण प्रति खो गई है/अस्थानस्थ हो गई है और निदेश देता हूँ कि उसकी अनुलिपि मुद्रा विनिमय नियन्त्रण प्रति आवेदक को जारी की जानी चाहिए।

परमिट की मूल मुद्रा विनिमय नियन्त्रण कार्य सम्बन्धि प्रति इसके द्वारा रद्द की जाती है।

[संख्या 21(ए०)-4/पीईआर०/डी०-1(5)/ए०जे०72/इन्डो-अफगान/सी०एल०ए०]

जी० एस० शर्मा,

उप-मुख्य नियन्त्रक, आयात-निर्यात,
संयुक्त मुख्य नियन्त्रक, आयात-निर्यात।

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 9th November 1971

S.O. 711.—M/s. Sahyadri Dyestuffs and Chemical Pvt. Ltd., 117, Parvati Vithalwadi Road, Poona were granted replenishment licences Nos. P/U/1317054 dated 26th December, 1970 for Rs. 12,740 (ii) P/U/1316921 dated 24th December, 1970 for Rs. 17,408 and (iii) P/U/1317182 dated 7th January, 1971 for Rs. 92,365 for import of Dyes Intermediates of permissible varieties, M/s. Sahyadri Dyestuffs & Chemical Pvt. Ltd., Poona have filed affidavit as required under para 314 read with Appendix 8 Import Control Hand Book of Rules Procedure, 1971, wherein they have stated that Customs Purposes Copies of these licences have been lost/misplaced without having been utilised at all. M/s. Sahyadri Dyestuffs & Chemical Pvt. Ltd., Poona have applied for duplicate copies of these licences.

I am satisfied that the original Customs Purposes copies of the licences Nos. P/U/1317054 dated 26th December, 1970 for Rs. 12,740 (ii) P/U/1316921 dated 24th December, 1970 for Rs. 17,408 and (iii) P/U/1317182 dated 7th January, 1971 for Rs. 92,365 have been lost/misplaced.

Therefore, in exercise of the power conferred under subject Clause 9C in the Import Trade Control Order, 1955 dated 7th December, 1955 as amended up-to-date, the said licences are hereby cancelled.

Duplicate copies of the Custom Purposes copies of licences have been issued separately.

[No. Silk-35/JS.70/SC.V/CLA]

A. L. BHALLA, Dy. Chief Controller of Imports & Exp.
for Jt. Chief Controller of Imports & Exp.

संयुक्त-मुख्य नियंत्रक, आयात-निर्यात का कार्यालय,
(सी० एल०डी०)

आदेश

नई दिल्ली, 9 नवम्बर, 1971

एस० ओ० 711:—सर्वश्री सहयाद्री डाइस्टप्स एण्ड केमिकल्ज प्रा० लि०, पार्वती विठलबाडी रोड, पूना को स्वीकृत किस्म क मध्यस्थ रगों के आयात के लिए प्रतिपूर्ति लाइसेंस संख्याएँ (1) पी/यू/131/7054, दिनांक 26-12-70 मूल्य 12740 रु० (2) पी/यू/1316921, दिनांक 24-12-70 मूल्य 17408 रु० तथा (3) पी/यू/1317182, दिनांक 7-1-71 मूल्य 92365 रु० स्वीकृत किए गए थे। सर्वश्री सहयाद्री डाइस्टप्स एण्ड केमिकल्ज प्रा० लि०, पूना ने आयात नियंत्रण नियम तथा कार्यविधि हेड बुक, 1971 की कंडिका 314 जिसे परिशिष्ट 8 के साथ पठें के अन्तर्गत अपेक्षित अनुसार एक शपथ-पत्र दाखिल किया है जिसमें उन्होंने कहा है कि उक्त लाइसेंसों की मूल सीमा-शुल्क कार्य सबधी प्रतियां बिना उपयोग किए ही खोई गई हैं/अस्थानस्थ हो गई हैं। सर्वश्री सहयाद्री डाइस्टप्स एण्ड केमिकल्ज ने उपर्युक्त लाइसेंसों की अनुलिपि प्रतियों के लिए आवेदन किया है।

मैं संतुष्ट हूँ कि लाइसेंस संख्याएँ (1) पी/यू/1317054 दिनांक 26-12-70 मूल्य 12740 रु० (2) पी/यू/131692/ दिनांक 24-12-70 मूल्य 17408 रु० तथा (3) पी/यू/1317182, दिनांक 7-1-71 मूल्य 92365 रु० की मूल सीमा-शुल्क कार्य सबधी प्रतियां खो गई हैं/अस्थानस्थ हो गई हैं।

इसलिए अद्यतन यथासंशोधित आयात-व्यापार नियंत्रण आदेश, 1955, दिनांक 7-12-1955 की धारा 9 सी के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर उक्त लाइसेंस एतद्द्वारा रद्द किए जाते हैं।

लाइसेंसों की अनुलिपि सीमाशुल्क कार्य सबधी प्रतियां अलग से जारी कर दी गई हैं।

[सं० सिल्क-35/जे० एस०-70/एस० सी०-5/सी० एल० ए०]

ए० एल० भल्ला

उप-मुख्य नियंत्रक, आयात-निर्यात,

कृते संयुक्त मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 22nd December 1971

S.O. 712.—M/s. State Trading Corporation of India Ltd., 9 and 10 Bahadur Shah Zafar Marg, New

Delhi were granted an import licence No P/T/2500128 T/EG/31/29 30 dated 16th July, 1969 for Rs. 61,00,000 (Rupees Sixty one lakhs only). They have applied for the issue of a duplicate Exchange Control Purposes copy of the said licence on the ground that the original Exchange Control Purposes copy has been lost/misplaced. It is further stated that the original Exchange Control copy was registered with the National & Grindlays Bank Ltd., Madras utilised partly. It was utilised for Rs. 45,30,298 and the balance available on it was Rs. 15,69,702.

2. In support of this contention the applicant has filed an affidavit along with a certificate from Seventh Presidency Magistrate, Echore, Madras—8. I am accordingly satisfied that the original Exchange Control Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7th December, 1955 as amended the said original Exchange Control Purposes copy of licence No. P/T/2500128 dated 16th July, 1969 issued to M/s. The State Trading Corporation of India Ltd., New Delhi is hereby cancelled.

3. A duplicate Exchange Control Purposes copy of the said licence is being issued separately to the licensee.

[No. STC-502/67-V/69-70/NPCIA.]—

(मुख्य नियंत्रक, आयात - निर्यात का कार्यालय, नई दिल्ली)

आदेश

नई दिल्ली 22 दिसम्बर, 1971

एस०ओ० 712:—सर्वश्री दि स्टेट ट्रेडिंग कार्पोरेशन आफ इन्डिया लिमिटेड, नई दिल्ली को 61,00,000 रुपये (इकसठ लाख रुपये मात्र) के लिए एक आयात लाइसेंस संख्या पी/टी/2500128/टी/ईजी/31/एच 29-30, दिनांक 16-7-69 प्रदान किया गया था। उन्होंने लाइसेंस की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा-विनियम नियंत्रण प्रति खो गई है। उसका पंजीकरण नेशनल एवं ग्रेंडले बैंक लि०, मद्रास के पास हुआ था तथा 4530298 रुपये की राशि का उपयोग हुआ था। उस लाइसेंस पर शेष उपलब्ध धनराशि 15,69,720/ रुपये थी।

2. इस तर्क के समर्थन में आवेदक ने सातवे प्रेजिडेन्सी मजिस्ट्रेट, इचोर, मद्रास द्वारा विधिवत् साक्ष्यांकित एक शपथ-पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है। इसलिए, यथासंशोधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9(सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए सर्वश्री दि स्टेट ट्रेडिंग कार्पोरेशन आफ इन्डिया लिमिटेड, नई दिल्ली को जारी किए गए लाइसेंस संख्या पी०टी० 2500128 दिनांक 16-7-1969 की उक्त मूल मुद्रा-विनियम नियंत्रण प्रति को एतद्द्वारा रद्द किया जाता है।

3. लाइसेंसधारी को उक्त लाइसेंस की मुद्रा-विनियम नियंत्रण प्रति की अनुलिपि अलग से जारी की जा रही है।

[सं० एस० टी० सी० 502/67-5/69-70/न्युजप्रिंट सेल (1)क०]

New Delhi, the 27th December 1971

S.O. 713.—The Executive Engineer P. D. II Ramganga River Project, Kalagarh (Garhwal), U.P. was granted Import licence No. G/A/1044959/S/AN/38 dated 22nd March, 1971, for import of spare parts for

Cummins Engine (as per list attached thereto) for Rs. 3,10,000. The value of the import licence was subsequently reduced to Rs. 1,85,403. The licensee has requested for the issue of duplicate copy of Exchange Control copy of the licence on the ground that the original Exchange Control Copy of the licence has been lost by him. It has been further reported by the licensee that this licence was lost after utilisation of amount to the extent of Rs. 1,12,356 and this licence was registered with the Collector of Customs, Bombay.

In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the original Exchange Control copy of the licence No. G/A/1044959 dated 22nd March, 1971, has been lost and directs that duplicate copy of the said licence should be issued to him. The original Exchange Control copy has been cancelled. Duplicate copy of the licence is being issued separately.

[No. 2/SG/211/70-71/PLS/B.]

SARDUL SINGH,

Dy. Chief Controller of Imports & Exports,
for Jt. Chief Controller of Imports & Exports.

नई दिल्ली, 27 दिसम्बर, 1971

एस० प्रो० 713.—दि एक्जैक्यूटिव इंजीनियर पी०डी० 2 राम गंगा रिक्टर राजेक्ट कलापड (गडवाल), उत्तर प्रदेश को कमिन्स इंजन (उसके लिए सलग्न की गई सूची के अन्तर्गत) के लिए फाक्टू पुरजों के आयात के लिए 3,10,000 रु० का एक आयात लाइसेंस संख्या जी/ए/1044959/ए/ए/38, दिनांक 22-3-71 प्रदान किया गया था। तब से, आयात लाइसेंस की मूल्य घटकर 1,85,403 रु० कर दिया गया। लाइसेंसधारी ने लाइसेंस की मुद्रा-विनिमय नियंत्रण प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस को मूल मुद्रा-विनिमय नियंत्रण प्रति उनके द्वारा खो गई है। लाइसेंसधारी द्वारा आगे यह बताया गया है कि इस लाइसेंस का 112356 रु० की सीमा तक उपयोग करने के बाद खो गया था और इन लाइसेंस को बम्बई के सीमा-शुल्क समाहर्ता के पास पंजीकृत कराया गया था।

अपने तर्क के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी सतुष्ट है कि लाइसेंस सं० जी/ए/1044959, दिनांक 22-3-71 को मूल मुद्रा-विनिमय नियंत्रण प्रति खो गई है और निदेश देना है कि उक्त लाइसेंस का अन्तर्लिपि प्रति उनको जारी की जानी चाहिए। मूल मुद्रा-विनिमय नियंत्रण प्रति को रद्द कर दिया गया है। लाइसेंस की अन्तर्लिपि प्रति अलग से जारी की जा रही है।

सं० 2/एस० जी०/211/70-71/पी० एल० एस० बी०

सरदुल सिंह,

उप-मुख्य नियंत्रक, आयात-निर्यात
कृते मुख्य नियंत्रक, आयात-निर्यात

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 29th December 1971

S.O. 714.—Mr. Kirit Keshavlal Shah, Bombay who was granted Custom Clearance Permit No. P/J/3037136/N/MP/40/H/33-34 dated 7th August 1971 for Rs. 13,100 for import of a Ford Custom 500, 1968 Model Car has

applied for a duplicate copy of the Custom clearance permit as the original Customs Clearance Permit has been lost. It is further stated that the original Custom Clearance Permit was not registered with any Custom House and not utilised.

In support of this contention Shri Kirit Keshavlal Shah has filed an affidavit. He has undertaken to return the Custom Clearance Permit if traced later to this office for record. I am satisfied that the original Custom Clearance Permit No. P/J/3037136/N/MP/40/H/33-34 dated 7th August 1971 has been lost and direct that a duplicate Custom Clearance permit should be issued to him. The original Custom Clearance Permit may be treated as cancelled.

[No. 2(B-399)/70-71/PLS/3609.]

मुख्य नियंत्रक, आयात-निर्यात का कार्यालय

आदेश

नई दिल्ली, 29 दिसम्बर, 1971

एस० प्रो० 714.—श्री किरिट केशवलाल शाह, बम्बई को एक फोर्ड कस्टम 500, 1968 मॉडल कार के आयात के लिए 13,100 रु० के लिए एक सीमा-शुल्क निकासी परमिट प्रदान किया गया था। उन्होंने सीमाशुल्क निकासी परमिट की अन्तर्लिपि के लिए इस आधार पर आवेदन किया है कि मूल सीमा-शुल्क निकासी परमिट खो गया है। यह भी उल्लेख किया गया है कि मूल सीमा-शुल्क निकासी परमिट किसी भी सीमा-शुल्क कार्यालय में पंजीकृत नहीं कराया गया था और उसका उपयोग नहीं हुआ था।

इस तर्क की पुष्टि में श्री किरिट केशवलाल शाह ने एक शपथ पत्र दाखिल किया है। उसने सीमा-शुल्क निकासी परमिट वापस में पाया जाने पर इस कार्यालय को रिकार्ड के लिए लाटा देने का वचन दिया है। मैं सतुष्ट हूँ कि मूल सीमा-शुल्क निकासी परमिट सं० पी/जे/3037136/एन/एम पा/40/एच/33-34, दिनांक 7-8-71 खो गया है और निदेश देता हूँ कि उनका सीमा-शुल्क निकासी परमिट की अन्तर्लिपि जारी की जानी चाहिए। मूल सीमा-शुल्क निकासी परमिट रद्द किया गया समझा जाए।

[संख्या 2(बी-399)/70-71/बी० एल० एस०/3609]

New Delhi, the 30th December 1971

S.O. 715.—The Secunderabad Club, Secunderabad (A.P.) were granted an import licence No. P/A/1337424/C/XX/38/H/31-32/ILS dated the 19th January 1971 for Rs. 1,500 (Rupees One thousand five hundred only) for the import of Liquor excluding Gin and Beer. They have applied for the issue of duplicate copy of the Customs Copy of the said licence on the ground that the original Custom Purpose Copy has been lost/misplaced. It is further stated that the said licence (Customs Purpose Copy) had not been registered with the Custom Authorities at any Port and was not utilized at all.

2. In support of this contention, the Party has filed an Affidavit. I am accordingly satisfied that the said original Custom Purpose copy has been lost/misplaced. Therefore, in exercise of the powers conferred under Sub-Clause 9 (cc) of Imports (Control) Order, 1955 dated 7th December 1955 as amended, the said Custom Purpose Copy of the Licence No. P/A/1337424/C/XX/38/H/31-32/ILS dated 19th January 1971 issued to The Secunderabad Club, Secunderabad (A.P.) is hereby cancelled.

3. A duplicate Custom Purpose Copy of the said licence is being issued to the licensee separately.

[No. Club/26/70-71/ILS/34.5.]

नई दिल्ली, 30 दिसम्बर, 1971

एस० ओ० 715.—दि सिकन्दराबाद क्लब, सिकन्दराबाद (आंध्र प्रदेश) को जिन और बियर को छोड़कर शराब के आयात के लिए 1,500 रुपये (एक हजार पांच सौ रुपये मात्र) के लिए एक आयात लाइसेंस संख्या : पी/ए/1337424 सी/एक्स एक्स/38/एच/31-32/आईएलएस, दिनांक 19 जनवरी 1971 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमा शुल्क निकासी प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क निकासी प्रति खो गई है। अस्थानस्थ हो गई है। यह भी उल्लेख किया गया है कि उक्त लाइसेंस (केवल सीमाशुल्क निकासी प्रति) किसी भी पतन पर सीमा शुल्क प्राधिकारियों के पास पंजीकृत नहीं कराई गई थी और उसका उपयोग बिल्कुल नहीं किया गया था।

2. इस तर्क के समर्थन में पार्टी ने एक शपथ-पत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि उक्त मूल सीमा शुल्क निकासी प्रति खो गई है / अस्थानस्थ हो गई है। इसलिए, यथा संशोधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9—(सी सी) के अन्तर्गत प्रदत्त अधिकारों को प्रयोग करते हुए दि सिकन्दराबाद क्लब, सिकन्दराबाद (आंध्र प्रदेश) को जारी किए गए लाइसेंस संख्या पी/ए/1337424/सी/एक्स एक्स/38/एच/31-32/आईएलएस, दिनांक 19-1-1971 की उक्त सीमा शुल्क निकासी प्रति एतद्वारा रद्द की जाती है।

3. लाइसेंसधारी को उक्त लाइसेंस की सीमाशुल्क प्रति की अनुलिपि अलग से जारी की जा रही है।

[संख्या क्लब/26/70-71/आई०एल०एस० 3405]

New Delhi, the 7th January 1972

S.O. 716.—M/s. Director, Vallabhbhai Patel Chest Institute, University of Delhi, Delhi, were granted an import licence No. G/A/1044010/C/XX/38/H/31-32/ILS dated 2nd November, 1971 for Rs. 10,000 (Rupees Ten thousand only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost/misplaced. It is further stated that the original Customs Purposes copy was registered with the Customs authorities at Palam and Foreign Post, Bahadur Shah Zafar Marg, New Delhi and utilised partly. It was utilised for Rs. 5,406.60 and the balance available on it was Rs. 4,593.40.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore, in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order 1955 dated 7th December, 1955 as amended, the said original Customs Purposes copy of Licence No. G/A/1044.010/CXX/38/H/31-32/ILS dated 2nd November, 1971, issued to M/s. Director, Vallabhbhai Patel Chest Institute University of Delhi, Delhi is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. V-17/Med/70-71/ILS/3536.]

नई दिल्ली, 7 जनवरी, 1972

एस०ओ० 716.—पर्वशी डायरेक्टर बल्लभ भाई पटेल चेस्ट—इन्स्टीच्यूट, दिल्ली यूनिवर्सिटी, दिल्ली 7 को 10,000 रु० (दस हजार रु० मात्र) के लिए एक आयात लाइसेंस सं० जी०ए/1044010/सी/एक्सएक्स/38/एच/31-32/आई०एल०एस० दिनांक 2-11-71 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क प्रयोजन प्रति खो गई है/अस्थानस्थ हो गई है। आगे यह बताया गया है कि मूल सीमाशुल्क प्रयोजन प्रति को पालम और अन्तर्राष्ट्रीय डाक, बहादुर शाह जफर मार्ग, नई दिल्ली के सीमाशुल्क प्राधिकारियों के पास पंजीकृत करवाया गया था और उसका आंशिक उपयोग किया गया था। उसका उपयोग 5,406.60 रु० तक कर लिया गया था और उस पर उपलब्ध बाकी राशि 4,593.40 रु० थी।

2. इस तर्क के समर्थन में आवेदक ने स्टाम्प पेपर पर एक शपथ पत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति खो गई है। इसलिए यथा-संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप, धारा 9 (सी सी) में प्रदत्त अधिकारों का प्रयोग कर सर्वश्री डायरेक्टर, बल्लभ भाई पटेल चेस्ट इन्स्टीच्यूट दिल्ली यूनिवर्सिटी, दिल्ली को जारी किए गए लाइसेंस सं० जी०ए/10,44,010/सी/एक्स एक्स/38/एच/31-32/आई०एल०एस० दिनांक 2-11-1971 की उक्त मूल सीमाशुल्क प्रयोजन प्रति को एतद्वारा रद्द किया जाता है।

3. उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति लाइसेंसधारी को अलग से जारी की जा रही है।

[संख्या वी-17/रेड/70-71/आई०एल०एस०/3536]

New Delhi, the 2nd February 1972

S.O. 717.—Mr. Tej Singh Sandhu, Chandigarh who was granted Custom Clearance Permit No. P/J/3035201/N/MP/38/H/31-32 dated 6th February, 1971 for Rs. 9,000 thereafter enhanced to Rs. 10,700 for import of a Vauxhall Victor 1000 1968 Model Car has applied for a duplicate copy of the Custom clearance permit as the original Customs Clearance Permit has been lost. It is further stated that the original Custom Clearance Permit was registered with Custom House Amritsar & Chandigarh and not utilised.

In support of this contention Shri Tej Singh Sandhu has filed an affidavit. He has undertaken to return the Custom Clearance Permit if traced later to this office for record. I am satisfied that the original Custom Clearance Permit No. P/J/3035201/N/MP/38/H/31-32 dated 6th February, 1971 has been lost and direct that a duplicate Custom Clearance permit should be issued to him. The original Custom Clearance Permit may be treated as cancelled.

[No. F. 2(B-18)/70-71/BLS/4149.]

K. N. KAPOOR.

Uy. Chief Controller of Imports & Exports.

नई दिल्ली, 2 फरवरी, 1972

एस०आर० 717.—सर्वश्री तेज सिंह सांडू चण्डीगढ़ जिसे वाक्सहॉल विक्टर 1000 के आयात के लिए 9,000 रु० का एक सीमाशुल्क निकासी परमिट सं० पी/जे/3035201/एन/एम पी/38/एच०31-32 दिनांक 6-2-71 स्वीकृत किया गया था जिने बाद में बढ़ा कर 10-700 रुपये किया गया था। उन्होंने उसकी अनुलिपि सीमाशुल्क निकासी परमिट के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी परमिट खो गया है। आग यह बताया गया है कि मूल सीमाशुल्क निकासी परमिट अमृतसर और चण्डीगढ़ सीमाशुल्क कार्यालय में जीकृत करवाया गया था और उसका उपयोग नहीं किया गया था।

उपर्युक्त तर्क के समर्थन में सर्वश्री तेज सिंह सांडू ने एक शपथ पत्र दाखिल किया है। उन्होंने यह वचन दिया है कि अगर सीमाशुल्क निकासी परमिट बाद में मिल गया तो वे उसे कार्यालय के रिकार्ड के लिए लौटा देंगे मैं सन्तुष्ट हूँ कि मूल सीमाशुल्क निकासी परमिट सं० पी/जे/3035201/एन/एम पी/38/31-32 दिनांक 6-2-71 खो गया है और निदेश देता हूँ कि उन्हें अनुलिपि सीमाशुल्क निकासी परमिट जारी किया जाना चाहिए। मूल सीमाशुल्क निकासी परमिट रद्द किया गया समझा जाए।

[संख्या 2(बी-18)/70-71/बी०एल०एस /4149]

के० एन० कूर

उप मुख्य निबंधक, आयात-नियंत्रण

(Office of the Dy. Chief Controller of Imports and Exports)
ORDER

Bangalore, the 11th November 1971

SUBJECT.—Cancellation of Customs Purposes and Exchange Control Purposes Copies of Licence No. P/S/1674576/C/XX/39/X/29-30 dated 30th April 1971 for Rs. 2,500.

S.O. 718.—M/s. M. D. Nimbuwala Fire Works Manufacturers, 15, P. B. Road, 8, Bankapur Police Chowki, Hubli were granted import licence No. P/S/1674576/C/XX/39/X/29-30 dated 30th April 1971 for Rs. 2,500 for import of Gum Arabic, Vegetable Parchment Paper, Straw Paper and Coloured Newsprint. They have now applied for duplicate Copy of Customs Purposes and Exchange Control Purposes Copies of the above licence on the ground that the original of the above Customs Purposes and Exchange Control Copies of the above licence have been lost without having been registered with any Customs Authorities and not utilised at all and that the duplicate copy of Customs Purposes/Exchange Control Copies of the above licence now required is for the full value of the licence i.e. Rs. 2,500.

In support of the above contention the applicant has filed an affidavit. I am satisfied that the Original Customs Purposes and Exchange Control Purposes Copies of the above licence have been lost and direct that a duplicate Copy of Customs Purposes and Exchange Control Purposes of the above licence should be issued to the applicant. The Original Customs Purposes and Exchange Control Copies of the above licence are hereby cancelled.

[No. ITC.SSI.1849.C.141.A.M.70.NC.NP 1

(उप-मुख्य निबंधक, आयात-नियंत्रण का कार्यालय बंगलूर)

आदेश

बंगलूर, 11 नवम्बर, 1971

विषय :—2500 रु० के लिए जारी किए गए लाइसेंस सं० पी/एस/1674576 सीएसएस/39/एस 29-30 दिनांक 30-4-71 की सीमा शुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रति को रद्द करना।

एस० आर० 718:—सर्वश्री एम० डी० निम्बुवाला फायर वर्क्स मैनू०, 15, पी० बी० रोड 8, बाकापुर पुलिस चौकी, हुब्ली को श्री गोद बेजोटेबल पार्चमेन्ट कागज स्ट्रा कागज तथा रंगीन अखबारी कागज के आयात के लिए 2,500 रु० का एक आयात लाइसेंस सं० पी/एस/1674576/सी/एसएस/39/एस/29-30 दिनांक 30-4-1971 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियों के लिए इस आधार पर आवेदन किया है कि उक्त लाइसेंस की मूल सीमाशुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियां सीमाशुल्क प्राधिकारी के पास बिना पंजीकृत कराए और बिना उपयोग किए खो गई हैं और अब उक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियां पूरे मूल्य यानि 2,500 रुपये के लिए चाहिए।

उपर्युक्त तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं इससे संतुष्ट हूँ कि उपर्युक्त लाइसेंस की मूल सीमाशुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियां खो गई हैं और निदेश देता हूँ कि आवेदक को अनुलिपि सीमा शुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियां जारी की जानी चाहिए। उक्त लाइसेंस की मूल सीमा शुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियां एतद्वारा रद्द की जाती हैं।

संख्या : आई टी सी एम एस आई 1849 सी

141एएम70/एन सी एन पी

[संख्या आई०टी०सी०एस०एस०आई० 1849 सी 141-

ए०एम० 70 एन० सी०एन०पी०]

Bangalore, the 30th November 1971

SUBJECT.—Cancellation of Customs and Exchange Control Purpose Copies of Import licence No. P/S/1674439/C/XX/39/X/29-30 dated 30th April 1971 for Rs. 10,250.

S.O. 719.—M/s. Sri Bhawanil Industries, 15, Narasimha Naick Lane, Cottonpet, Bangalore-2A, were granted import licence No. P/S/1674439/C/XX/39/X/29-30 dated 30th April 1971, for Rs. 10,250 for import of Copper and Zinc. They have now applied for duplicate copy of Customs Purpose and Exchange Control Purpose copy of the above licence on the ground that the original of the above Customs Purpose copy/Exchange Control Purposes copy of licence have been lost without having been registered with any Customs Authorities and not utilised at all and that the duplicate copy of Customs Purposes/Exchange Control Purposes Copy of the above licence now required is for the full value of the licence Rs. 10,250.

In support of the above contention the applicant has filed an affidavit. I am satisfied that the original Customs Purpose and Exchange Control Copies of the above licence have been lost and direct that a duplicate copy of the Customs Purposes copy and Exchange Control Purpose Copy of the above licence should be issued to the applicant. The Original Customs Purpose and Exchange Control Copies of licence are hereby cancelled.

[No. ITC. SSI-5293.B 379 A.M. 70F.NF.]

K. JAYARAMAN,

Deputy Chief Controller of Imports and Exports.

नई दिल्ली, 30 नवम्बर, 1971

विषय :- 10, 250 रु० के लिए जारी किए गए लाइसेंस सं० पी/एम/1674439/सी/एक्सएक्स/39/एक्स/29-30 दिनांक 30-4-1971 की सीमाशुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियों को रद्द करना।

एस० आ० 179.—सर्वश्री श्री भवानी इन्डस्ट्रीज, 15, नारायणनाथ नाइक लेन, काटनपेट, बंगलौर-2 ए, को ताम्बा तथा जस्ता के आयात के लिए 10,250 रु० का एक आयात लाइसेंस सं० पी/एम/1674439/सी/एक्सएक्स/39/एक्स/29-30 दि० 30-4-71 स्वीकृत किया गया था। उन्होंने अवउपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्य संबंधी/मुद्रा विनिमय नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि उक्त लाइसेंस की मूल सीमाशुल्क कार्य संबंधी प्रति/मुद्रा विनिमय नियंत्रण प्रति किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत कराए बिना और उपयोग किए बिना ही खो गई हैं और अब लाइसेंस के पूरे मूल्य यानि 10, 250 रु० के लिए अनुलिपि सीमाशुल्क कार्य संबंधी प्रति/मुद्रा विनिमय नियंत्रण प्रति की आवश्यकता है।

उपर्युक्त तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं इससे संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियां खो गई हैं और निदेश देता हूँ कि उक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियां आवेदक को जारी की जानी चाहिए। लाइसेंस की मूल सीमाशुल्क कार्य संबंधी और मुद्रा विनिमय नियंत्रण प्रतियां एनद द्वारा रद्द की जाती हैं।

[संख्या आई०टी०सी०एम०एम०आई० 5293-बी-379 ए०एम० 70 पी० एन० एफ०]
के० जयारामन,

उप मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 17th December 1971

S.O. 720.—M/s. Bata Shoe Co., Pvt., Limited, Batanagar, 24 Parganas were granted Import Licence No. P/RM/2155926/C/XX/24/C/H/23-24, dated 30th December, 1966 under Free resources for import of Raw Materials/Components and Spares valued at Rs. 1,20,000 only.

2. They have requested for the issue of duplicate Exchange Control Purposes Copy of the above said licence on the ground that the original Exchange Control Purposes copy has been lost or misplaced by them. It has been further reported by the licensee that the licence had an unutilized balance of Rs. 16,063.35 nP. The licence was registered with the Calcutta Custom House.

3. In support of their contention, the applicants have filed an affidavit. The undersigned is satisfied that the original Exchange Control Purposes Copy of Import Licence No. P/RM/2155926/C/XX/24/C/H/23-24 dt. 30th December, 1966, has been lost or misplaced and directs that a duplicate Exchange Control Purposes Copy of the said licence should be issued to the applicant. The original Exchange Control Purposes Copy is cancelled.

4. The duplicate Exchange Control Purposes Copy of the licence is being issued separately.

[No. Rubber/30(4-5)/66-67/R.M.II.]

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली 17 दिसम्बर, 1971

एस० आ० 720.—सर्वश्री बाटा शू कं०, प्रा० लि०, बाटा नगर, 24 परगनाम को स्वतंत्र स्रोतों से कच्चा माल/संघटकों और फालतू पुर्जों के आयात के लिए 1,20,000 रु० मात्र का एक आयात लाइसेंस सं० पी/आरएम/2155926/सी/एक्सएक्स/24/सी/एच/23-24 दिनांक 30-12-66 स्वीकृत किया गया था।

2. उन्होंने उक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि उनके द्वारा लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है अथवा अस्थानस्थ हो गई है। लाइसेंसधारी द्वारा आगे यह बताया गया है कि लाइसेंस के मूल्य में शेष 16,063.35 रु० बचे हैं जिनका उपयोग नहीं किया गया था। लाइसेंस सीमाशुल्क कार्यालय, कलकत्ता के पास पंजीकृत किया गया था।

3. अपने तर्क के समर्थन में उन्होंने एक शपथ पत्र दाखिल किया है। अधोहस्ताक्षरी इससे संतुष्ट है कि आयात लाइसेंस सं० पी/आर एम/2155926/सी/एक्स एक्स/24/सी/एच/23-24 दिनांक 30-12-66 की मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है अथवा अस्थानस्थ हो गई है और निदेश देता है कि आवेदक को उक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति जारी की जानी चाहिए। मूल मुद्रा विनिमय नियंत्रण प्रति रद्द की जाती है।

4. लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति अलग से जारी की जा रही है।

[संख्या खबर/30(4-5)/66-67/आर एम-2]

ए० के० सरकार, उप-मुख्य नियंत्रक, आयात-निर्यात, कृते मुख्य नियंत्रक, आयात-निर्यात।

New Delhi, the 22nd January 1972

S.O. 721.—M/s. Triveni Structural Ltd., Naini, Allahabad were granted import licence No. P/D/2181881 dated 29th March, 1971 for Rs. 6,75,000 under West German Credit for the import of Hydraulic cylinder complete with pistons. They have requested for the issue of the duplicate copies of the licence on the ground that the original copies have been lost by them. It has

been further reported by the licensee that the licence has not been utilised at all. This licence was not registered with any customs House.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the import licence No. P/D/2181881 dated 29th March, 1971 has been lost and directs that duplicate copies of the said licence should be issued to them. The original licence is cancelled.

[No. Structural/1/RM.ii/70-71/RM-I/3558.]

A. K. SARKAR, Dy. Chief Controller.

(मुख्य नियंत्रक आयात-निर्यात का कार्यालय)

आवेश

नई दिल्ली, 22 जनवरी 1972

एस० ओ० 721.—मर्वशी त्रिवेणी स्ट्रक्चरल लि०, नैनी, इलाहाबाद को पिस्टनों से सम्पूर्ण इंडोलीक मिलिण्डर के आयात के लिए पश्चिमी जर्मनी ऋण के अन्तर्गत 6,75,000/- रुपये के लिए एक आयात लाइसेंस संख्या : पी/डी/2181881, दिनांक 29-3-71 प्रदान किया गया था। उन्होंने लाइसेंस की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल प्रतियां उन से खो गई हैं। लाइसेंसधारी द्वारा यह भी सूचना दी गई है कि लाइसेंस का उपयोग बिलकुल नहीं किया गया है। यह लाइसेंस किसी भी सीमाशुल्क कार्यालय से पंजीकृत नहीं कराया गया था।

अपने तर्कों की पुष्टि में आवेदक फर्म ने एक शपथपत्र दाखिल किया है। निम्नहस्ताक्षरी संतुष्ट है कि आयात लाइसेंस संख्या पी/डी/2181881, दिनांक 29-3-1971 खो गया है और निदेश देता है कि उक्त लाइसेंस की अनुलिपियां आवेदक फर्म को जारी की जानी चाहिए। मूल लाइसेंस रद्द किया जाता है।

[सं० स्ट्रक्चरल/1/आर०एम० 2/70-71/आर०एम०-1/3558]

ए० के० सरकार,

उपमुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 3rd January 1972

S.O. 722.—M/s. Shree Digvijay Cement Co. Ltd., Shreeniwas House, Waudby Road, Port, Bombay-1 were granted licence No. P/D-2186642/S/BB/29/H/27-30 dated 31st December, 1968, for Rs. 4,00,000 for the import of spares for Cement Manufacturing Plant. They have requested for issue of duplicate Customs Purposes Copy of the licence on the ground that the original Customs Purposes Copy has been lost/misplaced by them. It has been further reported by the licensee that the Customs Purposes Copy has been lost/misplaced after having been registered with the Bombay Customs and that the same had been utilised for Rs. 3,00,387.

In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the original Customs Purposes Copy of licence No. P/D/2186642/S/BB/29/H/27-30 dated 31st December, 1968, has been lost/misplaced and directs that a duplicate Customs Purposes Copy of the said licence should be issued to them. The original Customs Purposes Copy is cancelled. A duplicate Customs Purposes Copy of the import licence is being issued separately.

[No. F. Cement. 6(2)/68-69/RM-6/1245.]

J. SHANKAR,

Dy. Chief Controller of Imports and Exports.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आवेश

नई दिल्ली, 3 जनवरी 1972

एस० ओ० 722.—मर्वशी दिग्विजय सीमेंट कं० लि०, श्रीनिवास हाउस वाडबी रोड, फोर्ट बम्बई-1 को सीमेंट विनिर्माण संयंत्र के लिए फालतू पुर्जों के आयात के लिए 4,00,000 रु० के लिए एक लाइसेंस सं० पी/डी/2186642/एम/बी बी/29/एच/27-30 दिनांक 31-12-68 प्रदान किया गया था। उन्होंने लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क निकासी प्रति उनसे खो गई है/अस्थानस्थ हो गई है। लाइसेंसधारी द्वारा यह भी सूचना दी गई है कि सीमाशुल्क निकासी प्रति सीमाशुल्क कार्यालय, बम्बई में पंजीकृत कराने के बाद खो गई है/अस्थानस्थ हो गई है और यह कि उसका उपयोग 3,00,387 रु० तक कर लिया गया था।

अपने तर्कों के समर्थन में आवेदक फर्म ने एक शपथपत्र दाखिल किया है। निम्नहस्ताक्षरी संतुष्ट है कि लाइसेंस सं० पी/डी/2186642/एम/बी बी/29/एच/27-30 दिनांक 31-12-68 की मूल सीमाशुल्क निकासी प्रति खो गई है/अस्थानस्थ हो गई है और निदेश देता है कि उक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि आवेदक फर्म को जारी की जानी चाहिए। मूल सीमाशुल्क निकासी प्रति रद्द की जाती है। आयात लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि अलग से जारी की जा रही है।

[सं० सीमेंट-6(2)/68-69/आर एम-6/1245]

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 18th January 1972

S.O. 723.—M/s. Boehringer-Knoll Limited, Bombay were granted Licence No. P/D/2181648 dated 15th March, 1971, under West German Credit for import of Paranitroaminodiol valued Rs. 20,00,000. They have requested for the issue of duplicate E.C. Copy of the said licence on the ground that the original copy of the licence has been lost.

2. In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original E.C. Copy of the licence referred to viz. P/D/2181648 dated 15th March, 1971, has been lost and direct that duplicate E.C. Copy of the licence in question should be issued to them. The original E.C. Copy is cancelled.

3. The duplicate copy of the licence is being issued separately.

[No. Ch/B-19(4-5)/AM 71/R.M.3/2782.]

J. SHANKAR,

Dy. Chief Controller of Imports & Exports,
for Chief Controller of Imports & Exports.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

नई दिल्ली, 18 जनवरी 1972

एस० ओ० 723.—मर्वशी बोयरिंगर नौल लि०, बम्बई को पश्चिमी जर्मनी ऋण के अधीन 20,00,000 रु० के मूल्य पर पारानाइट्रोएमिनोडियल के आयात के लिए एक लाइसेंस सं० पी/डी/2181648 दिनांक 15-3-71 प्रदान किया गया था। उन्होंने उक्त

लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रति खो गई है।

2. अपने तर्क के समर्थन में आवेदक फर्म ने एक शपथ पत्र दाखिल किया है। निम्नहस्ताक्षरी संतुष्ट है कि उपर्युक्त लाइसेंस सं० पी/डा/2181648 दिनांक 15-3-71 की मुद्रा विनियम नियंत्रण प्रति खो गई है और निदेश देता है कि विषयाधीन लाइसेंस को मुद्रा विनियम नियंत्रण प्रति की अनुलिपि आवेदक फर्म को जारी की जानी चाहिए। मूल मुद्रा विनियम नियंत्रण प्रति रद्द की जाती है।

3. लाइसेंस की अनुलिपि प्रति अलग से जारी की जा रही है।

[संख्या सीएच/बी-19(4-5)/ए एम 71/आर एम 3/2782]

जे० शंकर,

उप मुख्य नियंत्रक, आयात-निर्यात

द्वितीय मुख्य नियंत्रक, आयात-निर्यात

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 6th January 1972

S.O. 724.—Shri M. L. Daga resident of CHAS Dhanbad was granted a C.C.P. No. P/J/3035664 dated 29th March 1971 for Rs. 300/- for the import of a 32 Bore Revolver. He has applied for a duplicate copy of the C.C.P. on the ground that the original C.C.P. has been lost. It is further stated that the original C.C.P. was not registered with any Custom house and not utilised. In support of this contention he has filed an affidavit. I am satisfied that the original C.C.P. No. P/J/3035664 dated 29th March 1971 has been lost and direct that a duplicate C.C.P. should be issued to the applicant. The original C.C.P. is cancelled.

[No. 315.IV/271/AM 71/Adhoc.]

S. K. USMANI,

Dy. Chief Controller of Import & Exports.

(मुख्य नियंत्रक, आयात निर्यात का कार्यालय)

आदेश

नई दिल्ली, 6 जनवरी, 1972

एस० आ० 724.—जास, धनबाद निवासी श्री एम० एल० दगा को एक .32 बोर रिवाल्वर के आयात के लिए 300/- रु० का एक सीमा शुल्क निकासी परमिट सं० पी/जे/3035664 दिनांक 29-3-1971 प्रदान किया गया था। उन्होंने सीमा शुल्क निकासी परमिट की अनुलिपि प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क निकासी परमिट खो गया है। आगे यह बताया गया है कि मूल सीमा शुल्क निकासी परमिट किसी सीमा शुल्क कार्यालय में पंजीकृत नहीं कराया गया था और उसका उपयोग नहीं किया गया

था। इस तर्क के समर्थन में उन्होंने एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि मूल सीमा शुल्क निकासी परमिट सं० पी/जे/3035664 दिनांक 29-3-1971 खो गया है और निदेश देती हूँ कि आवेदक को एक अनुलिपि सीमा शुल्क निकासी परमिट जारी किया जाना चाहिए।

मूल सीमा शुल्क निकासी परमिट रद्द किया जाता है।

[संख्या 315.4/271/ए एम 71/अधोक्र]

एस० के० उसमानी,

उप मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 13th January 1972

S.O. 725.—The Chairman, Uttar Pradesh State Electricity Board, Vidhan Bhawan, Lucknow were granted an import licence No. G/HP/2075340/D/SW/21/H/21/CG.II, dated 18th May, 1965 for Rs. 99,89,579.25P (Rupees ninety nine lakhs eighty nine thousand five hundred and seventy nine paise twenty five only including enhanced value from time to time). They have applied for the issue of a duplicate Exchange Control Purposes copy of the said licence on the ground that the original Exchange Control copy has been lost/misplaced. It is further stated that the original Exchange Control copy was registered with State Bank of India, Lucknow and utilised partly. It was utilised for Rs. 47,38,203.25P and the balance available on it was Rs. 52,51,376/-.

2. In support of this contention, the applicant has filed an affidavit. I am accordingly satisfied that the original Exchange Control Purposes copy of the said licence has been lost. Therefore, in exercise of the powers conferred under sub-clause 9(CC) of the Imports (Control) Order 1955 dated 7th December, 1955 as amended, the said original Exchange Control Purposes copy of licence No. G/HP/2075340/D/SW/21/H/21/CG.II, dated 18th May, 1965, issued to Chairman, Uttar Pradesh State Electricity Board, Vidhan Bhawan, Lucknow is hereby cancelled.

3. A duplicate Exchange Control Purposes Copy of the said licence is being issued separately to the licensee.

[No. CG.II/HEP/U-23-26/64-65.]

S. A. SESHAN,

Dy. Chief Controller of Imports & Exports.

(मुख्य नियंत्रक, आयात निर्यात का कार्यालय)

आदेश

नई दिल्ली, 13 जनवरी, 1972

एस० आ० 725.—चेयरमैन, उत्तर प्रदेश स्टेट इलेक्ट्रीसिटी बोर्ड, विधान भवन, लखनऊ को 99, 89,579.25/- रु० (नब्बानवे लाख नवःसी हजार पांच सौ उन्नासी रु० और पच्चीस पैसे मात्र, समय समय पर बढ़ाए गए मुल्य सहित) के लिए एक आयात लाइसेंस सं० जी/एच पी/2075340/डी/एम डब्ल्यू/21/एच/21/सी. जी 2 दिनांक 18-5-65 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि

जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है/अस्थानस्थ हो गई है। यह भी उल्लेख किया गया है कि मूल मुद्रा विनिमय नियंत्रण प्रति स्टेट बैंक आफ इंडिया, लखनऊ में पंजीकृत कराई थी और उसका आंशिक उपयोग किया गया था। इसका उपयोग 47,38, 203-25 रु० के लिए किया गया था और इस पर शेष उपलब्ध धनराशि 52,51,376/- रु० थी।

2. इस तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है। अतः यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (सी सी) में प्रदत्त अधिकारों का प्रयोग करते हुए चेयरमैन, उत्तर प्रदेश स्टेट इलेक्ट्रीसिटी बोर्ड, विधान भवन, लखनऊ को जारी किये गए लाइसेंस सं० जी/एच पी/2075340/डी/एस डब्ल्यू/21/सी/एच/21/सी/जी-2 दिनांक 18-5-65 की उक्त मूल मुद्रा विनिमय नियंत्रण प्रति एतद् द्वारा रद्द की जाती है।

उक्त लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की एक अनुलिपि लाइसेंसधारी को अलग से जारी की जा रही है।

[सं० सी जी 2/एच ई पी/यू-23-23/64-65]

एस० ए० मेशन,

उप मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 6th January 1972

S.O. 726.—M/s. Indian National Diesel Engine Company Limited, P61B, Circular Garden Reach Road, Kidderpore, Calcutta-43 were granted an import Licence No. P/C-2062473/S/KQ/40/H/31.32/KQ/69/Sp. Cell dated 24th August 1971 for Rs. 1,20,000/- (One Lakh and Twenty Thousand only). They have surrendered the licence to this office for cancellation as they are no longer interested in operating the same.

2. I am accordingly satisfied that the Company does not want to utilise the said licence. Therefore in exercise of the powers conferred under Sub-clause 9 (cc) of the Import (Control) Order, 1955 dated 7th December, 1955 as amended the said original Customs Purposes/Exchange Control Purposes Copy of Licence No. P/C/2062473 dated 24th August, 1971, issued to M/s. Indian National Diesel Engine Company Limited, Calcutta-43 is hereby cancelled.

[No. Spcl/L7/KL.7/70.71/1266.]

(मुख्य नियंत्रक आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 6 जनवरी 1972

एस०ओ० 726.—सर्वश्री इंडियन नेशनल डीजल इंजन कं० लि० पी 61 बी सरकुलर गार्डन रोड, किदरपुर, कलकत्ता-43 को 1,20,000/- रु० (एक लाख बीस हजार रुपये मात्र) के लिए एक आयात लाइसेंस सं० पी/सी/2062473 एस/के क्यू/40/एच/

31.32/के क्यू 69/स्पेशल सेल दिनांक 24-8-1971 स्वीकृत किया गया था। उन्होंने लाइसेंस को रद्द करने के लिए इस कार्यालय को इसलिए समर्पित कर दिया है क्योंकि अब वे इसको उपयोग करने के लिए इच्छुक नहीं हैं।

2. तदनुसार, मैं संतुष्ट हूँ कि कम्पनी उक्त लाइसेंस का उपयोग नहीं करना चाहती है। इसलिए यथा संशोधित आयात (नियंत्रण) आदेश, 1955 की उपधारा 9(सी सी) दिनांक 7-12-1955 के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर लाइसेंस सं० पी/सी/2062473 दिनांक 24-8-1971 की मूल सीमा शुल्क कार्य संबंधी/मुद्रा विनिमय नियंत्रण कार्य संबंधी प्रतियां जो सर्व श्री इण्डियन नेशनल डीजल इंजन कं० लि० कलकत्ता-43 को जारी की गई थी एतद् द्वारा रद्द की जाती है।

[संख्या स्पेशल/1.7/के एल-7/70-71/1266

New Delhi, the 15th January 1972

S.O. 727.—M/s. Cambridge Instruments (India) Limited, Poona were granted an import licence No. P/G/2061597/S/KQ/35/H/29.30/KQ'68/ Sp. Cell dated 25th August, 1970 for Rs. 50,000/- (Rupees Fifty Thousand only). They have applied for the issue of a duplicate Customs Purposes Copy of the said licence on the ground that the original Customs Purposes Copy has been lost. It is further stated that the original Customs Purposes Copy was registered with the Customs authorities at Bombay.

It was reported to have been utilised for Rs. 22,668/- and the balance available on it was reported to be Rs. 27,332/-.

2. In support of this contention the applicant has filed an affidavit on a stamped paper in the prescribed form. I am accordingly satisfied that the original Customs Purposes Copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 7th December, 1955 as amended the said original Customs Purposes Copy of licence No. P/C/2061597, dated 25th August, 1970 issued to M/s Cambridge Instruments (India) Ltd., Poona is hereby cancelled.

3. A duplicate Customs Purposes Copy of the said licence is being issued separately to the licensee.

[No. SPCL/C.4/KL.6/69-70/1239.]

S. R. MINOCHA,

Joint Chief Controller of Imports & Exports.

नई दिल्ली, 15 जनवरी, 1972

एस० ओ० 727.—सर्वश्री कैम्ब्रिज इन्स्ट्रूमेंट्स (इंडिया) लि०, पूना की 50,000/- रु० (पचास हजार रु० मात्र) का एक आयात लाइसेंस सं० पी/जी/2061597/एस/के/क्यू/35/एच/29-30/के क्यू'68/स्पेशल सेल दिनांक 25-8-1970 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्य संबंधी प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क कार्य संबंधी प्रति खो गई है। आगे यह बताया गया है कि मूल सीमाशुल्क कार्य संबंधी प्रति सीमाशुल्क प्राधिकारी बम्बई के पास पंजीकृत करवाई गई थी।

यह प्रतिवेदन किया गया है कि 22,668/- रु० के लिए लाइसेंस का उपयोग कर लिया गया है और शेष 27,332/- रु० बाकी बचा था।

2. उपर्युक्त तर्कों के समर्थन में आवेदक ने निर्धारित प्रपत्र में स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा शुल्क कार्यसंबंधी प्रति खो गई है। इसलिए, यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए लाइसेंस सं० पी/सी/206/597 दिनांक 25-8-1970 की उक्त सीमा शुल्क कार्य संबंधी प्रति जो सर्वश्री कैम्पेज इनस्ट्रुमेंट्स (इंडिया) लि०, पूना को जारी की गई थी उसे एतद्वारा रद्द किया जाता है।

3. उक्त लाइसेंस की अनुलिपि सीमा शुल्क कार्य संबंधी अलग से जारी की जा रही है।

[मंड्या एम पी सी एल/सी. 4/के एल. 6/69-70/1239]

श्रीराम मिनोचा,

सयुक्त मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 2nd February 1972

S.O. 728.—Import licence No. G/R/2087245 dated 21st October 1969 for Rs. 898 for the import of Pile rod assembly dash pot assembly & propeller shaft was issued in favour of M/s. J. Stone & Co. India Pvt. Ltd., Calcutta against Free Resources.

The licensee have now requested for the issue of Duplicate Customs purposes copy of the above said licence on the ground that the original Customs purposes copy has been lost or misplaced by them. It has been further reported by them that the licence remained unutilised and was not registered with any Customs house.

In support of their contention, the applicants have filed an affidavit alongwith application & Treasury receipt of Rs. 5. The undersigned is satisfied that the original Customs purposes copy of import licence No. G/R/2087245 dated 21st October, 1969 has been lost or misplaced and directs that a Duplicate Customs Purposes copy of the said licence should be issued to them. In exercise of the powers conferred on the undersigned under Clause 9 of the Imports Control Order No. 17/55 dated 7th December, 1955, as amended from time to time, the original Customs purposes copy is hereby cancelled.

The Duplicate Customs Purposes copy of the licence is being issued separately.

[No. 25. J/Rly/69.70/GLS/483.]

I. A. RASHID,

Dy. Chief Controller of Imports & Exports.
for Chief Controller of Imports & Exports.

मुख्य नियंत्रक आयात-निर्यात का कार्यालय

आदेश

नई दिल्ली 2 फरवरी, 1972

एस०ओ० 728.—सर्वश्री जे० स्टोन एण्ड कं० इंडिया प्रा० लि०, कलकत्ता को मुक्त स्त्रोलों द्वारा पाइल रॉड प्रोपेलर शाफ्ट

पॉट असंबलरी और प्रोपेलर शाफ्ट के आयात के लिए 898 रु० के लिए एक लाइसेंस सं० जी/आर/2087245 दिनांक 21-10-69 जारी किया गया था।

लाइसेंसधारी फर्म ने अब उपर्युक्त लाइसेंस की सीमा शुल्क निकासी प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क निकासी प्रति उनसे खो गई है या अस्थानस्थ हो गई है। उन्होंने यह भी सूचना दी है कि लाइसेंस का उपयोग नहीं किया गया था और उसको किसी सीमा शुल्क कार्यालय में पंजीकृत नहीं कराया गया था।

अपने तर्कों के समर्थन में आवेदकों ने आवेदन पत्र और 5 रु० की राजकोष रसीद के साथ एक शपथपत्र दाखिल किया है। निम्नहस्ताक्षरी संतुष्ट है कि आयात लाइसेंस सं० जी/आर/2087245 दिनांक 21-10-69 की मूल सीमाशुल्क निकासी प्रति खो गई है या अस्थानस्थ हो गई है और निवेश देता है कि उनको उक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि जारी की जानी चाहिए। समय समय पर यथा संशोधित आयात नियंत्रण आदेश सं० 17/55 दिनांक 7-12-1955 की धारा 9 के अन्तर्गत निम्नहस्ताक्षरी को प्रदत्त अधिकारों का प्रयोग करते हुए मूल सीमा शुल्क निकासी प्रति एतद्वारा रद्द की जाती है।

लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि अलग से जारी की जा रही है।

[मंड्या 25-जे/रिलवे/69.70/जी/एल/एस/483]

आई० ए० रशीद,

उप मुख्य नियंत्रक आयात निर्यात।

MINISTRY OF INDUSTRIAL DEVELOPMENT

ORDERS

New Delhi, the 18th February 1972

S.O. 729.—The Central Government hereby makes the following amendment in the notified Order of the Government of India, Ministry of Industrial Development No. S.O. 5174/15/IDRA/71 dated 16th November, 1971.

Chairman

For Shri A. Bose Offg. Secretary Commerce & Industry Deptt., West Bengal Govt., Calcutta.

Read Shri A. Bose, Special Officer & Ex-officio Secretary, Commerce & Industry Deptt., West Bengal Government, Calcutta.

[No. 9(29)/71-LP(2).]

औद्योगिक विकास मंत्रालय

आदेश

नई दिल्ली, 18 फरवरी, 1972

एस०ओ० 729.—केन्द्रीय सरकार एतद्वारा भारत सरकार के औद्योगिक विकास मंत्रालय के अधसूचित आदेश सं० का०धा०

5174/15/आई डी आर ए/71 दिनांक 16-11-1971 में निम्नलिखित संशोधन करती है।

श्री ए० बोस स्थानापन्न सचिव, अध्यक्ष
वाणिज्य तथा उद्योग विभाग, पश्चिम
बंगाल सरकार कलकत्ता। के स्थान पर
श्री ए० बोस विशेषाधिकारी सचिव,
वाणिज्य तथा उद्योग विभाग
पश्चिम बंगाल सरकार, कल-
कत्ता। पद्विये।

[नं० एफ० 9(29)/71 एल० पी(2)]

S.O. 730.—The Central Government hereby makes the following amendment in the notified Order of the Govt. of India Ministry of Industrial Development No. S.O. 5775/15/IDRA/71 dated 16th November, 1971.

Chairman

For Shri A. Bose Officiating Secretary, Commerce & Industry Deptt. West Bengal Govt., Calcutta.

Read Shri A. Bose, Special Officer & Ex-officio Secretary, Commerce & Industry Deptt., West Bengal Government Calcutta.

[No. F. 9(30)/71/LP(1).]

S. A. T. RIZVI, Under Secy.

एस० आ० 730.—केंद्रीय सरकार एतद्द्वारा भारत सरकार के औद्योगिक विकास मंत्रालय के अधिसूचित आदेश सं० का० आ० 5775/15/आई डी आर ए/71 दिनांक 16-11-1971 में निम्नलिखित संशोधन करती है।

श्री ए० बोस स्थानापन्न सचिव, अध्यक्ष
वाणिज्य तथा उद्योग विभाग, पश्चिम
बंगाल सरकार, कलकत्ता। के स्थान पर
श्री ए० बोस विशेषाधिकारी सचिव,
वाणिज्य तथा उद्योग विभाग
पश्चिम बंगाल सरकार, कल-
कत्ता। पद्विये।

[एफ० नं० 9(30)/71 एल० पी(1)]

एस० ए० टी० रिज्वी, अवसर सचिव।

(Indian Standards Institution)

New Delhi, the 15th January 1972

S.O. 731.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that IS:10-1970 Specification for Plywood tea-chests (third revision) has been established. For purposes of the Indian Standards Institution (Certification Marks) Scheme this specification shall come into force with effect from 10 January, 1972 and the super-seeded version, namely IS:10-1964 shall also run concurrently with the new version upto 29th February 1972.

[No. CMD/13:2.]

भारतीय मानक संस्था

नई दिल्ली, 15 जनवरी, 1972

एस० आ० 731.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 3 के उपविनियम (2) और (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि IS 10-1970 चाय की पेटियों के लिए प्लाडवुड की विशिष्टि (तीसरा पुनरीक्षण) निर्धारित की गई है। भारतीय मानक संस्था (प्रमाणन चिह्न) योजना के कार्यों के लिए यह विशिष्टि 10 जनवरी, 1972 से लागू हो जायगी और IS : 10-1964 जो इसके द्वारा अधिकृतित हो गई है 29 फरवरी 1972 तक साथ साथ लागू रहेगी।

[सं० सी एम डी/13:2]

S.O. 732.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that IS:6177-1971 specification for phosphamidon water soluble concentrates has been established. For purposes of Indian Standards Institution (Certification Marks) Scheme this specification shall come into force with effect from 16th December, 1971.

[No. CMD/13:2]

M. V. PATANKAR, Director (Central Marks).

एस० आ० 732.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 3 के उपविनियम (2) और (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि IS : 6177-1971 जल में घुलनशील तेज फ स्फामीडॉन की विशिष्टि निर्धारित की गई है। भारतीय मानक संस्था (प्रमाणन चिह्न) योजना कार्यों के लिए यह विशिष्टि 16 दिसम्बर 1971 से लागू हो जायगी।

[सं० सी एम डी/13:2]

एम० वी० पाटनकर,
निदेशक (सेन्ट्रल मार्क्स)।

DEPARTMENT OF COMPANY AFFAIRS

CHARTERED ACCOUNTANTS

New Delhi, the 28th January 1972

S.O. 733.—In pursuance of paragraph 1 of Schedule B to the Chartered Accountants Regulations, 1964, the Central Government hereby recognises the following examination as equivalent to the Intermediate Examination of a University Constituted by Law in India, namely:—

Diploma in Commercial Practice, awarded by the Board of Technical, Education, Government of Kerala.

[No. F. 8/2/71-IGC.]

M. C. VERMA, Under Secy.

औद्योगिक विकास एवं वाणिज्य विभाग

(कम्पनी कार्य विभाग)

चाटर्ड एकाउंटेंट

नई दिल्ली 28 जनवरी, 1971

क्र. 733.—चाटर्ड एकाउंटेंट विनियम, 1964 की अनुसूची ख के पैरा 1 अनुसरण में, केन्द्रीय सरकार, निम्नलिखित परीक्षा को, भारत में विधि द्वारा गठित किसी विश्व-विद्यालय की इंटरमिडिएट परीक्षा के समतुल्य के रूप में एतद्द्वारा मान्यता देती है अर्थात्:—

केरल सरकार, तकनीकी शिक्षा बोर्ड द्वारा प्रदान किया गया वाणिज्य व्यवसाय में डिप्लोमा।

[सं. फा. 8/2/71-आई.जी.सी.]

एम.सी. वर्मा, अवर सचिव।

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 1st February 1972

S.O. 734.—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953), and in supersession of all previous notifications and orders on the subject, the Central Government hereby directs that, with immediate effect and until further orders, the Board of Directors of Air-India Corporation shall consist of the following, namely:—

Chairman

Shri J. R. D. Tata.

Managing Director

Air Marshal M. S. Chaturvedi.

Directors

Shri N. P. Sen, Chairman, Indian Airlines.

AVM S. A. Hussain, Mg. Director, Indian Airlines

Shri N. Khosla Jt. Secretary, Min. of T&CA.

Shri Ravi J. Matthai.

Shri K. N. Mookerji.

Shri M. S. Sundara, Chairman-cum-M. D., ITDC.

Shri S. K. Kooka, Commercial Director, Air-India.

Shri K. K. Unni, Asstt. General Manager, Air-India.

Shri K. G. Appuswamy, Director of Engg., Air-India.

[No. AV 18013/3/71-AC.]

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली 1 फरवरी, 1972

एस.ओ. 734.—वायु निगम अधिनियम, 1953 (1953 का 27) की धारा 4 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये तथा इस विषय पर सभी पूर्व अधिसूचनाओं और आदेशों का अधिक्रमण करते हुये, केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि अखिलम्ब और आगामी आदेशों तक, एयर-इण्डिया कारपोरेशन के निदेशक मंडल में निम्नलिखित व्यक्ति सम्मिलित होंगे, अर्थात्:—

अध्यक्ष : श्री जे. आर. डी. टाटा

प्रबन्ध-निदेशक : एयर मार्शल एम.एस. चतुर्वेदी

निदेशक : श्री एन. पी. सेन, अध्यक्ष, इण्डियन एयर-लाइन्स

एयर वाइस मार्शल एम. एस. हुस्सेन, प्रध निदेशक, इण्डियन एयर-लाइन्स

श्री एन. खोसला, संयुक्त सचिव, पर्यटन और नागर विमानन मंत्रालय

श्री रवि जे. मथैयाई

श्री के. एन. मुकर्जी

श्री एम. एस. सुन्दरा, अध्यक्ष व प्रबन्ध-निदेशक, भारत पर्यटन विकास निगम

श्री एस. के. कूका, वाणिज्यक निदेशक, एयर-इण्डिया

श्री के.के. उन्नी, सहायक महाप्रबन्धक, एयर इंडिया

श्री के. जी. अणुस्वामी, इंजीनियरी, निदेशक, एयर-इण्डिया

[सं. ए. वी. 18013/3/71-ए.सी.]

S.O. 735.—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953), and in supersession of all previous notifications and orders on the subject, the Central Government hereby directs that, with immediate effect and until further orders, the Board of Directors of Indian Airlines Corporation shall consist of the following, namely:—

Chairman

Shri N. P. Sen.

Managing Director

AVM, S. A. Hussain.

Directors.

Shri J. R. D. Tata, Chairman, Air-India

A/M M. S. Chaturvedi, Managing Director, Air-India.

Shri N. Khosla, Jt. Secretary, Min. of T&CA.

Shri Ravi J. Mathai.

Shri K. N. Mookerji.

Shri M. S. Sundara, Chairman-cum-M. D., ITDC.

Shri V. Satyamurti, Financial Controller, Indian Airlines.

Shri C. J. Lisely, Commercial Director, Indian Airlines.

Air Marshal O. P. Mehra, Chairman, H. A. L.

[No. AV 18013/3/71-AC.]

N. SEHGAL, Secy.

एस.ओ. 725.—वायु निगम अधिनियम, 1953

(1953 का 27) की धारा 4 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये तथा इस विषय पर सभी पूर्व अधिसूचनाओं और आदेशों का अधिक्रमण करते हुये, केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि अखिलम्ब और आगामी आदेशों तक, इण्डियन एयरलाइन्स कारपोरेशन के निदेशक मंडल में निम्नलिखित व्यक्ति सम्मिलित होंगे, अर्थात्:—

अध्यक्ष : श्री एन. पी. सेन

प्रबन्ध-निदेशक: एयर वाइस मार्शल एस० ए० हुस्सेन
निदेशक : श्री जे० आर० बी० टाटा, अध्यक्ष, एयर-
इंडिया ।

एयर मार्शल एम०एम० चतुर्वेदी, प्रबन्ध
निदेशक, एयर-इंडिया ।

श्री एन० खोसला, संयुक्त सचिव, पर्यटन
और नागर विमानन मंत्रालय ।

श्री रवि जे० मथ्याई

श्री के० एन० मुकर्जी

श्री एम०एम० सुन्दरा, अध्यक्ष व प्रबन्ध
निदेशक, भारत पर्यटन विकास निगम ।

श्री बी० सत्य मूर्ति, वित्त नियंत्रक, इंडियन
एयरलाइन्स ।

श्री सी जे० लाइसली, वाणिज्य निदेशक
इंडियन एयरलाइन्स

एयर मार्शल श्री० पी० मेहरा, अध्यक्ष
हिन्दुस्तान एरोनाटिक्स लि० ।

[स० ए० बी० 18013/3/71-ए० सी०]

एन० सहगल, सचिव ।

नई दिल्ली, 22 दिसम्बर 1971

का० आ० 5570.—वायुयान अधिनियम, 1934 की धारा 6
की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए, केन्द्रीय सरकार एतद्वारा आदेश देती है कि भारत सरकार
के पर्यटन और नागर विमानन मंत्रालय की अधिसूचना सं० का०
आ० 5363 दिनांक 4 दिसम्बर 1971 से उपाबद्ध अनुसूची
निम्नलिखित अनुसूची द्वारा प्रतिस्थापित की जाएगी अर्थात्:—

अनुसूची

क्षेत्र प्रतिषेध का विस्तार

(1) (2)

भारतीय वायुसेना किसी भी दिशा से भारत में प्रविष्ट होने वाले सभी
वायुयान और भारतीय वायुसेना में प्रचालित
सभी वायुयान, नागर विमानन महानिदेशक
द्वारा वर्ग I तोटम्स में, समय-समय पर यथा
अधिसूचित, उड़ान मार्ग, प्रवेश स्थल भारत
में उतरने के स्थल और स्थिति रिपोर्टिंग के
संबंध में अनुदेशों का पालन करेंगे ।

सं० फा० ए० बी-11015/4/71

नवीन खोसला, संयुक्त सचिव ।

गृह मंत्रालय

गृह पत्र

एस० आ० 736.—भारत के राजपत्र असाधारण, तारीख

24 नवम्बर, 1971

अभिलेख 3, 1893

भाग 2, खण्ड 3, उप-खण्ड (ii) के 3158 से 3160
तक पृष्ठों पर प्रकाशित भारत सरकार के गृह मंत्रालय की अधि-
सूचना संख्या का० आ० 5242, तारीख 24 नवम्बर, 1971
में:—

1. पृष्ठ 3159 पर:—

(i) लाइन 3 में, "म," और "(क)" के बीच"—" अतः
स्थापित करें ;

(ii) लाइन 9 में, "तैम्नों 11 ल" के लिए "तैम्नोंपाल"
पढ़ें ;

(iii) अनुसूची में,—

(क) क्रम संख्या 7 के सामने "काईफुण्डाट्ट" के लिए
"काईफुण्डाई" पढ़ें ।

(ख) क्रम संख्या 8 के सामने "मंगाई चुंगपाओ"
के लिए "मंगाई चुंगपाओ" पढ़ें

(ग) क्रम संख्या 9 के सामने "कुलबंग" के लिए "कुलबंग"
पढ़ें ।

(घ) क्रम संख्या 14 के सामने "सैकलफाई" के लिये
"सैकलफाई" पढ़ें

2. पृष्ठ 3160 पर, अनुसूची में:

(क) क्रम संख्या 16 के सामने "हंगचुंग पुंजी बंगाली"
के लिए "हंगचुंग पुंजी बंगाली" पढ़ें

(ख) क्रम संख्या 19 के सामने "मोखांगयल" के लिए
"मोखांगयल" पढ़ें

[संख्या 10/32/71-एम० आर०]

शंकर कपूर, अवसर सचिव ।

ELECTION COMMISSION OF INDIA

New Delhi, the 10th February 1972

S.O. 737.—In pursuance of section 106 of the Repre-
sentation of the People Act, 1951, the Election Commis-
sion hereby publishes the judgment dated the 20th
January, 1972 of the High Court of Punjab & Haryana
in Election Petition No. 5 of 1971.

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CIVIL ORIGINAL SIDE

ELECTION PETITION NO. 5 OF 1971

1. Sardar Singh son of S. Sant Singh, resident of
Dharam Pura Bazar, Patiala.

2. Kartar Singh son of Gurnam Singh, resident of
village Bhoglan Tehsil Rajpura, District
Patiala.—

—Petitioners.

Versus

1. Shri Sat Paul Kapur, Member Parliament, New
Delhi.

2. Sardar Gian Singh Rarewala, village and post office Rara Tehsil and District Ludhiana.
3. Maharani Mohinder Kaur, Ex-Member Parliament, Moti Bagh Palace, Patiala—Respondents.

Election petition under Sections 80 and 81 of the Representation of People Act, 1951, praying that this Hon'ble Court be pleased to hold that corrupt practices within the meanings of section 123(2), (3), (4), (6) and (7) of the Act have been committed by Respondent No. 1, the returned candidate, his agents and other persons with his consent and the election of Respondent No. 1 to the Lok Sabha from Patiala Parliamentary Constituency be declared void and the costs of the petition be allowed to the petitioner.

PRESENT:

The Hon'ble Mr. Justice D. K. Mahajan

For the Petitioner.—Mr. F. Lal Setia Advocate for Petitioner Kartar Singh.

For the Respondents.—Mr. H. L. Sibal, Senior Advocate, (Mr. Harbhagwan Singh, Advocate, Mr. R. L. Sharma, Advocate and Mr. S. P. Gupta, Advocate with him) Mr. J. P. Chowdhri, Advocate, for the respondent No. 2.

JUDGMENT

Respondent 1, Shri Sat Paul Kapur, was declared elected as a member of the Lok Sabha from the Patiala Parliamentary Constituency in the poll held on 5th of March, 1971. The counting took place on the 10th of March, 1971, and the result was declared on the 12th of March, 1971. There were three candidates in the field including the returned candidate, Mr. Gian Singh Rarewala and Maharani Mohinder Kaur.

Sardar Singh and Kartar Singh filed petition under sections 80 and 81 of the Representation of People Act, 1951, calling in question the election of the returned candidate on 26th of April, 1971. This petition was contested by the returned candidate. Later on, Sardar Singh's counsel made an application orally praying that he may be permitted to withdraw from the contest. This prayer was rejected by me by my order dated October 11, 1971, on the short ground that the petition was by two petitioners and one of them could not withdraw the same. Kartar Singh, however, wanted to continue the petition. He engaged another counsel. The counsel who was representing him namely Mr. Mohinder Jit Singh Sethi, made a prayer that he may be permitted to withdraw from the case. This prayer was allowed. The counsel who was engaged by Kartar Singh then examined evidence. As many as eight witnesses were examined and at the last hearing fixed for the evidence, a statement was made by Kartar Singh that he did not wish to appear in the witness-box and was closing his case. At this stage, an application was moved by one Pran Nath that Kartar Singh had colluded with the returned candidate and he may be permitted to prosecute the petition. A notice of this application was issued to the counsel for the returned candidate. They put in their reply and before any order could be passed, Pran Nath disappeared from the scene and in his place one Ajit Singh made an application in the same terms as the application of Pran Nath. I permitted Ajit Singh to agitate the matter in place of Pran Nath and the matter was referred for decision, on the question whether such an application was maintainable, to a larger Bench. The larger Bench heard the matter on January 10, 1972, and by its decision dated January 19, 1972, held that neither Pran Nath nor Ajit Singh could make the petition of the kind they had made. The petitions made by them were, accordingly, rejected.

The position now is that there is only Kartar Singh in the field who has closed his evidence. The respondents have led no evidence. The evidence led by Kartar Singh does not prove any of the corrupt practices alleged in the election petition. Therefore, there

is no material on the basis of which the election of the returned candidate can be set aside. In this view of the matter, I reject the petition of Sardar Singh and Kartar Singh and burden them with costs amounting to Rs. 1,000.

Sd./- D. K. MAHAJAN,
Judge.

January 20, 1972.

[No. 82/PB/5/71.]

New Delhi, the 11th February 1972

S.O. 738.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the judgment, pronounced on the 14th January, 1972 by the High Court of Orissa, in Election Petition No. 8 of 1971.

ELECTION PETITION No. 5 of 1971

In the matter of an application under section 80 of the Representation of the People Act, 1951.

Narasingha Charan Mohanty—Petitioner.

versus

Surendra Mohanty—Respondent.

For petitioner.—M/s. S. Misra (1), S. C. Misra, S. P. Mohapatra, S. Kar and Miss Rama Natta.

For respondent.—M/s. R. Mohanty, G. B. Mohanty and D. Sahu.

PRESENT:

The Honourable Mr. Justice B. C. Das.

Das, J.,

The petitioner in this election petition was a registered voter for the Kendrapara Parliamentary Constituency (Lok Sabha) in respect of the election held on 5th March, 1971. The sole respondent Shri Surendra Mohanty was one of the contesting candidates for the Lok Sabha and secured the highest number of votes and was declared elected on 14th March, 1971. The petition questions the election of Shri Surendra Mohanty on grounds of corrupt practices under subsections (3) and (4) of Section 123 of the Representation of the People Act, 1951 (hereinafter referred to as the Act).

2. Broadly stated, the allegations under Section 123(3) of the Act are that there had been an appeal to religious symbol by the respondent through others with his consent in an editorial (Ext. 1) in any Oriya Daily KALINGA of 15th February, 1971 and in a news-item (Ex. 2) in the said Daily dated 19th February, 1971 and also at a meeting on 15th February, 1971 at Narsaghai within the aforesaid Parliamentary Constituency.

Under Section 123(4) of the Act the allegation is that at the said meeting the respondent made a false statement of the facts reflecting on the personal character and conduct of the one of the rival candidates, namely, Shri Surendra Nath Dwivedi, in his speech at the said meeting and also in the aforesaid news-item (Ex. 2). It is alleged further that the respondent knew this statement of facts to be false or atleast did not believe it to be true.

3. At the outset certain material aspects of the case which are not in dispute deserve to be noticed. Besides Shri Surendra Nath Dwivedi, there was another candidate Shri Pradyumna Kishore Bal and the votes secured by the three candidates are detailed below:—

Shri Surendra Mohanty	1,23,680
Shri Surendra Nath Dwivedi	1,20,707
Shri Pradyumna Kishore Bal	1,11,235

Shri Surendra Nath Dwivedi was the candidate of the Praja Socialist Party (P.S.P.) and had been returned from this particular Parliamentary Constituency on earlier occasions including the elections in 1962 and 1967 when the respondent Shri Surendra Nath Mohanty had also been a contestant. Shri Surendra Mohanty

was the candidate of the Utkal Congress Party of which Shri Biju Patnaik was the leader. The election symbol allotted to him by the Election Commissioner was a Water-wheel and Plough (HAL-CHAK) referred to by the witnesses here as CHAKA LANGALA.

The respondent was at all material times and even now happens to be the editor of the KOLINGA published from the Kalinga Press, Cuttack, owned by the Kalinga Publication whose chairman was Shri Biju Patnaik. The respondent was also the Managing Editor of the paper from 1963 and had been a Member of the Lok Sabha from 1957 to 1962 and of the Rajya Sabha from 1952 to 1956.

The meeting that took place on 15th February, 1971, was at Marsaghal as referred to above. This is within the Patkura Assembly Constituency. This area has floods almost every year and there were particularly high floods in 1955, 1961, 1969 and 1970. Marasaghal and its adjoining places had also a heavy cyclone in 1967 and another in October, 1971 after the election now in question. It appears that after the 1967 cyclone different non-official organisations had come up and political and social workers and also Government had taken up the cause of providing relief to the distressed in these areas as a result of these natural calamities.

This meeting was one of the several meetings organised by the Utkal Congress in the area. It was held in the evening and the respondent Shri Surendra Mohanty, Shri Biju Patnaik and Shri Rajkishore Naik addressed the meeting. The last mentioned person was one of the candidates for the State Legislative Assembly.

4. Thus, the controversy mainly centres round the contents of the speeches delivered at the meeting by the respondent and by Shri Biju Patnaik. The other part of the dispute bears on the implications of the editorial (Ex. 1) and of the news-item (Ex. 2), which is nothing other than a report of these speeches delivered at the meeting.

5. The matters to be considered, broadly stated, are whether, keeping in view the requirements of sub-section (3) and (4) of section 123 of the Act—

- (a) the respondent had any voice in the writing or publishing of Ex. 1 or Ex. 2?
- (b) a false personal aspersion had been cast on Shri Surendra Nath Dwivedi for collecting donations and not rendering accounts in the respondent's speech or in Ex. 2; and
- (c) there had been an appeal to a religious symbol, namely, the plough and the wheel, in Ex. 1 or in Ex. 2 or by Shri Biju Naik in his speech with the consent of the respondent.

6. The respondent was admittedly the editor of the Daily KALINGA. He had been appointed in 1963 and this paper had started publication in 1960 when one Shri Manmohan Misra was then the editor. All the relevant issues of the Daily KALINGA mention the name of the respondent as the Editor. The Printer's line in the issue of the Kalinga dated 15th February, 1971, as in Ex. 22 makes the position clear. Further, the Declaration (Ex. 25) in the KALINGA dated 5th March, 1971, under the Press and Registration of Books Act, 1967 declares the respondent as the Editor.

But the case of the respondent is that before the election, the respondent in Ex. 1 had moved the Chairman of the Kalinga Publication for directing one Shri Gyanendranath Verma who figures as witness No. 3 for the respondent to remain in charge of editing the paper, writing editorials and also editing news reports in the KALINGA. This letter is Ex. 1 dated 15th January, 1971. On the very same day the Chairman accepted the proposal and in acknowledgement there of Shri Gyanendranath Verma endorsed it on the very same day. The case of the respondent further is that he never had anything to do with the writing of the editorials or in the matter of editing news reports or for the matter of that with the publication of the Daily KALINGA since after 15th January, 1971 till August 1971 and even thereafter he was occasionally writing the editorials.

7. On behalf of the petitioner it has been urged that since the respondent was the editor within the meaning of the Section 7 of the Press and Registration of Books Act, 1867 the presumption that arises under the law must operate. For this, reliance has been placed on the case of *D. P. Misra v K. N. Sharma* (AIR 1971 SC 856) wherein it has been held that Section 7 raises a presumption that a person whose name is printed in the copy of the newspaper is the editor or every portion of that issue. The fact no doubt is that in both issues of the Daily KALINGA relating to Ex. 1 and Ex. 2, the respondent figures as the editor in the Printer's line. It is, therefore, emphasised that since the respondent must be held to be the editor of every portion of these issues, there can be no escape from the position that the full responsibility in respect of Exs. 1 and 2 must rest on the respondent and it is not open to him to explain it away by resorting to a plea on the basis of a letter like Ex. 1.

8. It is, however, to be noticed that in the aforesaid decision of the Supreme Court the further observation are:—

"The presumption under Section 7 of the Press and Registration of Books Act undoubtedly arises but in a charge under Section 123(4) of the Representation of the People Act, the presumption under Section 7 of the Press and Registration of Books Act, 1867 would come with greater or lesser force according to the circumstances to aid a person claiming that the editor was responsible for the publication and that the publication was to the knowledge of the editor."

9. It must follow that this presumption is nothing more than a rebuttable presumption and if circumstances are there to prove that the editor in fact was not responsible for the publication or that he had no knowledge of the publication, the presumption would stand rebutted.

10. To this, the answer is that in the present case the declaration in Ex. 25 further confirms this presumption and since there is nothing to indicate therein that the editing of the paper had been left under the sole management of Shri Gyanendranath Verma, there is no scope at all to place any reliance in Ex. 1 which is nothing but a self-serving document concocted for the purpose of this case.

11. Shri Gyanendranath Verma R.W. 3 and the respondent R.W. 8 have been closely cross-examined on this aspect. The respondent admits that the letter to the Chairman of the Kalinga Publication as in Ex. 1 is the carbon copy and not the original and does not bear any office number. But the genuineness of the signature of the respondent, the chairman of the Kalinga Publication and Shri Gyanendranath Verma on this exhibit is not questioned. Accordingly, while it may be that the original type-written script of the Ex. 1 is with the respondent as deposed to by him, that cannot be of any consequence. While extracting from the respondent in his cross-examination the admission that this was not the original type-written script of the letter, cross-examination has not been pursued further to find out what was the occasion for not utilising this original script and hence this cannot be a factor sufficient to look upon Ex. 1 with any degree of suspicion.

12. It, however, appears in Ex. 1 that words "In February" have been penned through and this occurs at the end of the first paragraph of the letter. This has been initialed by the respondent. It has been

brought out in the cross-examination of Shri Gyanendra Nath Verma that the elections were earlier reported to be held in February, 1971. But since it was postponed the words "in February" in paragraph 1 of the letter have been penned through. But he further deposes that by 15th January, 1971, namely the date of Ext. L they used to hear that the elections had been fixed for February and is unable to say whether they had heard about the change of the date of the elections prior to 15th January, 1971, or thereafter. Accordingly, it is urged that this is purely an indication of the fact that this letter must have been a concocted one and the explanation of Shri Gyanendra Verma is patently conflicting.

13. Such an argument ignores the fact that Shri Gyanendra Verma also makes it very clear that all that he said on the point was his surmise and he had no knowledge about the exact reason and that he penned through of these words "in February" was there when he received this letter after the endorsement of the chairman thereon. It is significant that nothing has been put to the respondent himself as to the exact reason why the words "in February" had been written and again struck off and initialled though this fact has been admitted by the respondent. Doubtless, it was the respondent who would have been in the best position to explain the reason and it is also in the cross-examination of the respondent that it was in the first week of January, 1971 that he came to know that he was being nominated by the Utkal Congress Party for contesting the 1971 March election.

In course of his cross-examination an attempt had been made to prove that the very elaborate nature of the duties specified in paragraph 2 of the Ext. L which Shri Verma was expected to discharge, casts a serious doubt as to the *bona fides* of this authority conveyed therein in favour of Shri Verma. It has thus been suggested that since Shri Verma was to remain in charge of editing the paper as in the first sentence of paragraph 2 of Ext. L it was meaningless to further specify that Shri Verma was to write editorials and also to edit news reports in the very next sentence. It is difficult to read any conflict in this part of the contents of Ext. L and the respondent has clarified that this was only to emphasise what the normal duties of Shri Verma were to be namely the three items relating to writing of editorials, editing of the paper and editing of news reports.

It must, therefore, follow that the intrinsic evidence available on record on the context of Ext. L does not serve to render this document *per se* suspicious. All that need be noted further is that nothing has been placed on record to suggest that an arrangement as the one made under Ext. L had to be notified to the District Magistrate. The respondent while pointing out that only a permanent arrangement bringing about a change in the office of the editor has to be notified to the Press Registrar in a proforma, has said that there was nothing which required him to inform the Press Registrar or the District Magistrate about the arrangement under Ext. L as it did not involve any permanent change.

14. While, therefore, it is to be held that the arrangement in pursuance of Ext. L must be held to be a *bona fide* arrangement, it must also further be held that there was nothing illegal in bringing about such an arrangement by the management of the paper. The further fact is that the presumptive liability of the declared editor namely the respondent stands sufficiently displaced. The decision in *Narayan Singh v. Regmal* (AIR 1961 Madhya Pradesh 12) cited on behalf of the respondent also deserves to be taken note of in the context.

15. Shri Gyanendra Verma was the senior-most news editor in the Kalinga Press and it is he who had been placed in charge of editing the paper under the circumstances that the declared editor namely the respondent was about to remain pre-occupied in the Lok Sabha election as a candidate and as such was also to remain absent from headquarters and Shri Gyanendra Verma had deposed that it was he who was personally responsible for writing the editorial Ext. 1 and editing

the news item Ext. 2. Nor can it be denied that the respondent was absent from duty for a *bona fide* purpose. Such a position would stand clearly covered by the following observations in the Madhya Pradesh decision namely—

"In the present case it is established that the opponent editor was absent from duty for a *bona fide* purpose and the work of editing was entrusted to a subordinate who occupied the position of a sub-editor. In this state of facts the court below was justified in acquitting him."

This was a case of defamation against the declared editor of the paper and in relying upon the cases reported in I.L.R. 9 Madras 387 and A.I.R. 1928 Allahabad 400 the learned Judge proceeded to observe as follows—

"The letter was case of a printer who was absent from duty and had come forward disclosing who published the defamatory matter... whether of the declared printer was held displaced by the discloser. The opponent in this case did not rest by disclosing his liability on the ground of his absence but examined the sub-editor Mangilal who admitted that it was he who published the defamatory matter... whether in doing so Mangilal acted in good faith i.e. with due care and caution is not a relevant matter for the purpose of the present case. The presumptive liability of the editor for this reason is rightly held to be properly displaced."

I have no reason to take a different view of the matter and since a charge of corrupt practice under Section 123 of the Act is in the nature of a criminal charge, these above principles must equally apply in the immediate context.

16. In the light of the cross-examination of the relevant witnesses on behalf of the respondent, the petitioner's case further is that it is the declared editor alone who invariably writes editorials and it is not to be readily inferred that in the present case the respondent never did so, particularly when he was during his election campaign returning to the headquarters at Cuttack intermittently. But this part of the petitioner's case stands hardly substantiated and as would appear from the evidence on record, this is a matter which depends purely on the exigency of the circumstances and also on the practice in relation to any particular paper.

17. The respondent in his cross-examination refutes the suggestion that while conducting his election campaign he was generally looking after editing and writing of editorials. The reason given is that this was not physically possible for him to do during those days. In the very nature of things, there is nothing to discard this part of his evidence. As anything false and much less improbable. He further makes it clear that during his election campaign he had been only twice not to the press itself but to the premises of the Utkal Congress office, which was located in the same campus.

18. It is significant that the petitioner in his cross-examination asserts that even before his election petition was drafted, he had known that the respondent had written the editorial Ext. 1, but expressed clear reluctance to disclose the name of the employee of the Kalinga from whom he came to know this fact. Ultimately, he volunteers and gives out the name as one Alekh Mohanty but no such person has been summoned and the averment as to the authorship of Ext. 1 in the election petition is not at all specific. The petitioner's explanation that he did not know the address of this Alekh Mohanty, nor did he ever enquire of his name prior to the filing of the petition is extremely difficult to accept. His further evidence is that subsequently while searching for him in the Kalinga press, the petitioner had met him and asked him to be a witness. But this Alekh Mohanty is said to have declined saying

that as he was an employee he could not oblige the petitioner. It appears, however, from the evidence of R.W. 2, the Accountant of the Kalinga that one Alekh Mohanty was a compositor from 1962 till 1966 when he left the Kalinga establishment. Ultimately, the petitioner admits that when he had stated in his petition that a corrupt practice under Section 123(3) of the Act had been admitted "by the respondent and/or by other persons with the consent of the respondent", he had never applied his mind sufficiently close to the implications of what he had stated in this relevant paragraph of his petition.

19. In the absence of any other positive evidence on behalf of the petitioner, it is difficult to conclude that it was the respondent who had in fact written out the editorial Ext. 1 nor is there any other evidence in support of the fact that even during the election campaign Shri Gyanendra Verma used to have consultations with the respondent in the matter of editing the paper. All such suggestions to Shri Verma and the respondents have been emphatically denied and the evidence of the former clearly is that it is he who had written out the editorial by himself and also had edited the new item, Ext. 2.

20. It so happens that the respondent has a high reputation as a writer of Oriya Literature. It has been elicited from him that it may well be possible to infer the authorship of a particular writing by a comparison with the admitted writing of a certain writer. In cross-examination certain publications of the respondent have been brought into the picture. The learned counsel for the petitioner has referred to certain similarities in the language and concept in some of the passages in both. Apart from the fact that such an approach, in its very nature, may well be highly misleading, the fact remains that none of these particular passages had been referred to the respondent or even to Shri Gyanendra Verma in course of their cross-examination. At the most, such a comparison may rise merely certain probabilities but to base a finding that because of such similarities Ext. 1 must have been written by or with the assistance of the respondent would be a highly objectionable process in the context of a charge of corrupt practice.

21. It is further to be noted that in course of his evidence the respondent besides referring to the practice prevailing to his knowledge in respect of some other papers, has made it clear that in so far as he was concerned, he knew that even before he was appointed editor of the daily Kalinga, the editorials written during the editorship of the previous editor Shri Manmohan Misra were not regularly written by Shri Misra. Shri Misra used to remain pre-occupied with his other work and during his period of office he remained absent in Germany for about four months while retaining his editorship and during this period of absence his name had always appeared as editor in the Printer's line. Shri Gyanendra Verma who is also a man of literary abilities used to write editorials during the absence of Shri Manmohan Misra in 1962. This is deposed to by Shri Verma himself. That apart, before joining the Kalinga establishment both Shri Verma and the respondent had respectively held office in the daily Samaj and the Ganatantra, another Oriya daily.

22. Shri Verma deposes that it has always been practice for the senior-most member of the editorials staff to write editorials during the editor's absence. The respondent had remained the editor of the daily Ganatantra since its inception in 1955 till 1968 and during this period he happened also to be a member of the Rajya Sabha and of the Lok Sabha at different times and used to spend 5 to 6 months every year at Delhi. During his absence he never wrote editorials for the Ganatantra which was being published from Cuttack and it was the senior sub-editor that used to write editorials during his absence. There is nothing to justify a rejection of this evidence in support of the practice obtaining in the Kalinga and the relevant witnesses on behalf of the respondents have stood their

cross-examination well. Even the Chief Reporter witness No. 1 for the petitioner deposes that it is because of the verbal or written orders of the Chairman that the editorials in the Prajatantra are written by the Editor alone though he does not know about the practice in other establishments. In the absence of anything further to suggest that such a practice is either illegal or extremely improbable, it cannot but be held that having regard to all the relevant materials discussed above, the respondent had in fact never anything to do with the writing of Ext. 1 or the editing of Ext. 2 and such less that the publication of these two exhibits were within the knowledge or consent of the respondent.

23. In so far as his knowledge goes, he came to know of these two items after the election petition was filed and received notice thereof sometime in August, 1971 on his return from Delhi. He admits that he enquired about it from Shri Gyanendra Verma and attempted to get the originals particularly of Ext. 2 which is a news item received from a news-giver. It is argued on behalf of the petitioner that this must be an utter falsehood, for if according to the respondent the originals are destroyed after about a month there could have been no occasion for him to attempt to secure the originals so long after. Here again, the evidence is that the practice in the Kalinga press was to destroy the originals after about a month and that is because of the difficulty in preserving these records which quickly become extremely voluminous requiring large accommodation not available in the press. It is conceded on behalf of the respondent that this depends purely on the practice prevailing in a particular paper and the space available for the preservation of such records. Doubtless, it stands to reason that these papers cannot possibly be preserved indefinitely at least in case of a smaller establishment and in the absence of a positive proof to the contrary that the preservation in case of the Kalinga is only for about a month, the story on behalf of the respondent about the destruction of the originals cannot be disbelieved, and the respondent has clarified that he called for the originals even as late as in August, 1971 for the mere reason that he thought the originals may well happen to be there by some chance or other. There is nothing in the cross-examination of the respondent or any of his relevant witnesses on the point to cast any serious doubt on the veracity of this part of the story on behalf of the respondent.

24. Thus, in any view of the matter, it must be held that the respondent had no concern with Ext. 1 or Ext. 2 in any manner whatsoever directly or indirectly. It has been argued that in view of the respondent having given the proposal for Shri Gyanendra Verma remaining in charge of editing the paper which was ultimately accepted by the Chairman it must be held that this made Shri Verma an agent of the respondent within the meaning of sub-section (3) and (4) of Section 123 of the Act and that itself would necessarily carry with it the consent of the respondent in respect of the publication in Exts. 1 and 2.

25. In the first place, there can be no question of any agency having been brought about in Ext. 1 as between the respondent and Shri Verma. Prior to Ext. 1 the two were co-employees of the Kalinga Publication and even thereafter they remained such co-employees and as between such co-employees there can be no scope for reading into such relationship the relationship of a principal and agent *inter se* such co-employees.

26. Secondly, it is true that the definition of the term 'agent' as given in Explanation-I to Section 123 of the Act is an inclusive definition and not an exhaustive one. But it is not to be ignored that this definition is by way of an explanation and this says that a person would be an agent if he is held to have acted as an agent in connection with an election with the consent of the candidate. In other words, while attempting to explain what an agent is, this Explanation uses the

term agent itself in trying to make the meaning clear. On reading the contents of this Explanation as a whole, it is clear that the agency, if any, has to be in the context of the election itself and that too with the consent of the candidate. While it is true that Shri Gyanendra Verma remained in charge of editing the paper under orders of the Chairman, the respondent can be said to have given his consent, the matter of editing the paper by Shri Verma on any rational interpretation of the Explanation, cannot be said to be a matter connected with the election in respect of which the respondent was a candidate. Thirdly, if at all Shri Verma can be said to be an agent in any sense of the term, nonetheless it remains further essential for the petitioner to prove that the respondent had given his consent to the publication of Ext. 1 or Ext. 2 in respect of which, as already pointed out, there is no clear proof. What is important is the mere agency cannot be sufficient. To presume the necessary consequence in the absence of a proof of such consent, the further onus would lie on the petitioner to prove that on account of the commission of corrupt practice in publishing Ext. 1 or Ext. 2, the result of the election has been materially affected in respect of which there has been no averment in the petition nor any evidence adduced in proof of it.

27. The following passage from the decision in *Lal Singh v. Vallabh Das* cited with approval in AIR 1967 Gujrat 62 would be worth taking note of:—

"If a corrupt practice is committed by an election agent it always lead to the invalidity of the election. If a corrupt practice is committed by an agent other than an election agent, then it can lead to a similar result only if it is committed with the consent of the candidate or his election agent. In all other cases including the polling agent, the commission of corrupt practice cannot lead to the invalidity of an election unless side by side it is always further proved that on account of the commission of corrupt practice, the result of the election has been materially affected."

This decision has been cited with approval in *S. N. Balakrishna v. Fernandez* (AIR 1969 S.C. 1201) wherein their Lordship point out that to establish corrupt practice by an agent other than an election agent for avoiding the election the consent on the part of the returned candidate to the commission of corrupt practice must be proved. There is no doubt that the consent need not be directly proved. The principle of law is settled that the consent may be inferred from the circumstantial evidence but the circumstances must point unerringly to the conclusion and must not admit of any other explanation. Their lordships further emphasise that this is because a corrupt practice must be proved in the same way as a criminal charge is proved and the election petitioner must exclude every hypothesis except that of guilt on the part of the returned candidate or his election agent. What is particularly interesting in the context of the facts of the instant case is that their lordships proceed further to observe that mere knowledge of or connivance at the corrupt practice is not enough to infer corrupt practice and that the similarity of ideas or even of words cannot be pressed into service to show consent. Admittedly, Shri Verma was neither an election agent nor even a polling agent and the circumstances if any as discussed above at the most raise a mere suspicion against the respondent, but that cannot take the place of proof.

28. Attention may now be directed to the concerned events that transpired at the meeting Marsha Ghai on 15th February, 1971. Apart from the report in the news item, Ext. 2 and other such news items produced on behalf of the respondents as in Ext. H published in the *Praitantra* dated 27th February, 1971 and Ext. J published in the *Samai* dated 20th February, 1971, the petitioner has examined P.Ws. 2, 3, 5, 6 and 7

all of whom are persons who claim to have attended this meeting. On behalf of the respondents P.Ws. 4, 5, 6, 7 and 8 are the relevant witnesses on the point besides the respondent himself. Notwithstanding this voluminous evidence nowhere is it possible to trace out the exact words used by the speakers namely Shri Surendra Mohanty or Shri Biju Patnaik much less the entirety of the speeches delivered by either of them; even the exact context in which the impugned remarks had been made by the two is not available in the clearest possible terms. In such a situation it would not be out of place to take note of the corrupt position in law as to the nature of the evidence that should be acceptable in order to support a finding of corrupt practice and the manner of approach called for in appreciating the relevant implications of speeches made at election meetings.

29. This basic approach in all such matters is that the courts must not set at naught the verdict of the electors except on good grounds. The evidence adduced by a petitioner in an election case must be cogent and conclusive. In *Magraj Patodia v. R. K. Birla*, (AIR 1971 S.C. 1295) it has been observed that though a charge of corrupt practice cannot be equated to a criminal charge in all respects in the sense that the returned candidate in an election petition like and accused in a criminal case cannot refuse to plead and decline to adduce evidence on his behalf and ask the prosecution to prove its case beyond reasonable doubt, nonetheless the burden of proving the corrupt practice pleaded is on the petitioner and he has to discharge that burden satisfactorily. In doing so he cannot depend on mere preponderance of probabilities.

30. In the context of the circumstances mentioned in Section 123(4) of the Act, their lordships of the Supreme Court in *Banshilal v. Rishi Kumar* (AIR 1971 S.C. 1262) observe that the initial onus of establishing the circumstances is on the election petitioner and once he discharges that onus, the burden shifts to the candidate making the false statement of facts to show what his belief was. It is in the light of the foregoing observations that earlier pronouncement of their lordships in *D. P. Misra v. K. H. Sharma*, (AIR 1970 S.C. 1477) in paragraph 15 to the effect that in an election petition a corrupt practice may be proved only by evidence beyond reasonable doubt, has to be read.

31. As regards the appreciation of election speeches and writing in course of the elections, allowances must have to be made because of the fact that the atmosphere is usually surcharged with the partisan feeling with emotion and use of hyperboles or exaggerated language or adoption of metaphors and the extravagant expressions attacking on one another are all a part of the game. To read such documents and speeches without making some allowance on the above lines would be too unrealistic. These are the broad principles recognised by their Lordships of the Supreme Court in *Deba Kanta v. Golak Chandra* (AIR 1970 S.C. 1231) and *Kultar Singh v. Mukhtar Singh* (AIR 1965 S.C. 141). This necessarily entails an assessment of the impugned observation only in the broad context of the entire speech delivered or the entire writings published. The importance of these and the foregoing principles can hardly be over-emphasised.

32. The petitioner alleges that at the meetings on 15th February, 1971 Shri Surendra Mohanty had said that—

"Shri Surendranath Dwivedi has not yet rendered accounts of the gift of one lakh of rupees from the Marwari Society, Bombay and Rs. 25,000 from the Prime Minister brought by him during the cyclone of 1967 for the relief of the people."

[Paragraph 5(ii) of the petition]

So far as Shri Biju Patnaik is concerned, he is alleged to have said at the meeting that—

"His Party the Utkal Congress was fully able to eradicate unemployment and poverty from the country by, forming a strong Government in the State with the help of the two powers, Jagannath and Balaram whose weapons Chakra and Langala have been chosen by the Utkal Congress as its symbol."

[paragraph 5(iii) of the petition].

33. As already pointed out, there is nothing offered on behalf of the petitioner which gives a full and complete picture of the speeches delivered by Shri Surendra Mohanty and Shri Biju Patnaik and much less the exact language used which undoubtedly is a matter of crucial importance, in order to assess the context in which and with what emphasis these above assertions in the petition are to be understood.

34. The petitioner himself has no personal knowledge of these speeches. In his examination-in-chief itself he has stated that in the election petition he had confined his allegations to whatever had been published in Ext. 2 regarding the meeting at Marsha Ghal and he had thought that whatever had been published in the news paper was an admission of Shri Surendra Mohanty since it had appeared in the Kalinga of which Shri Mohanty was the editor. What is of material importance is that he never attempted to enquire as to who was the author of this item of news in Ext. 2. He, however, deposes as having made inquiries about the context in which Shri Surendra Mohanty spoke as in the passage quoted above from the petition. But he admits that what he found at the inquiry in that respect has not been mentioned in the report Ext. 2. Nor has he named the persons at Marsha Ghal from whom he had ascertained about the truth of this reported portion of the respondent's speech. The explanation he offers therefor is highly telling and it is that persons who had given him the information about the truth of the relevant portion in Ext. 2 ascribed it to Shri Surendra Mohanty but had asked him not to give their names in the petition. Patently, the petitioner is not prepared to divulge all that he had ascertained about the context in which these words ascribed to Shri Surendra Mohanty had been uttered in course of his speech; for, the petitioner admits in his cross-examination that the additional matters that he discovered during the inquiries have not been embodied in his petition and that he had confined himself only to what he found in the paper. It further follows that the people who were cognisant of the real facts were not prepared to come forward to support the petitioner in court.

35. This latter group of people had been contacted by the petitioner, as he deposes, after the filing of this election petition and they had given a list of prominent persons of different villages who had attended the meeting. Even so, the petitioner did not contact these prominent persons. Though he claims to have made a list of such persons numbering about 25 containing their names and addresses, this list is not produced and is claimed not to have been retained by him any longer for the ostensible reason that he had already offered them as witnesses. The persons who had given him the list it is admitted by the petitioner, had told him that they had themselves attended the meeting as also the persons covered by the list that was prepared by them. In fact, only a few of the persons, according to the petitioner, from out of the list have been summoned and it is strange that he claims never to have contacted any of these persons himself in order to ascertain whether they were actually prepared to come forward as witnesses or not. It is also strange that the persons who gave him this list were left out by the petitioner and not summoned as witnesses on his behalf merely because they had asked the petitioner not to give their names in the petition whereas in respect of others that were actually summoned, the peti-

tioner never thought it fit to ensure that they had no objection to appear as witnesses

36. Such a state of circumstances necessarily detract from the confidence that a court can repose in the sworn testimony of a witness.

37. Thus the admitted failure on the part of the petitioner to enquire as to who was exactly the author of the news item in Ext. 2, the reluctance on the part of the petitioner to come forward with the entire truth underlying the impugned passage in the speeches and the reluctance of a good number of persons who, as the petitioner admits, claim to have been present at the meeting and the manner of selection of the witnesses actually summoned as proposed by the aforesaid persons, serves to seriously detract from the trustworthiness of the oral evidence adduced on behalf of the petitioner. The same consideration apply in respect of the impugned portion in Shri Biju Patnaik's speech and the petitioner deposes that he had made inquiries about this and had gathered that the allegation that he had made was also correct.

38. It is important to note that the relevant witnesses on behalf of the petitioner namely P.Ws. 2, 3, 5, 6 and 7 without a single exception uniformly depose that Shri Surendra Mohanty had said that Shri Surendranath Dwivedi had got one lakh of rupees from the Bombay Marwari Society and Rs. 25,000 from Mrs. Indira Gandhi in connection with the 1967 cyclone relief work. Shri Mohanty thereafter asked the audience as to whether they had received these moneys; some out of the audience said that they had not received any such money from Shri Dwivedi. Thereupon Shri Surendra Mohanty is said to have said that Shri Surendranath Dwivedi had appropriated that money and had not rendered any account therefor. Their evidence in respect of Shri Biju Patnaik's speeches is equally uniform. He is deposed to have said that the symbol of Chakra and Langala represents the two weapons of Jagannath and Balaram and saying so appealed to the voters to vote for this symbol.

39. Of these, P.W. 3 says that nothing at the meeting created any impression on him, there were no discussion among the villagers about what had passed at the meeting and the witness admits that he had no particular reason to remember what had transpired at the meeting. Nor did the witness tell anybody that he had attended the meeting. P.W. 5 has no recollection of the exact words used in the meeting. He never had any talk with anybody before receiving summons, even with the P.S.P. worker one Gouranga Lenka of Marsha Ghal whom he knew. P.W. 6 is a person who has remained unemployed for the last twelve years and deposes that he spends his time by sitting in the shops at the Bazar and sitting at home. He deposes to have attended about six meetings in all at Marsha Ghal, but remembers nothing of the subject matters of the speeches delivered at the previous meetings except the meeting of Shri Biju Patnaik on 15th February, 1971 now in question and a meeting held by Shri Surendranath Dwivedi 8 to 9 days before that. P.W. 7 knew about the announcements of meetings by Shri Surendranath Dwivedi as well as of Shri Biju Patnaik. He claims to have made it a point to attend the latter. His reason for doing so is prevaricating. The reason he offers is that he has heard Shri Dwivedi's speeches previously, but again says he had not heard him speaking at any meeting and only that he had seen him

40. What has particularly weakened this part of the oral evidence on behalf of the petitioner is that all these witnesses claim to have entertained a high opinion about Shri Dwivedi as a public man and also a person who had been a member of the Parliament from this area for long time, but immediately Shri Surendra Mohanty had said about Shri Surendranath Dwivedi regarding the non-remission of accounts of the moneys he had taken from different quarters, none of them ever thought it fit to question Shri Surendra Mohanty

at the meeting as to how Shri Dwivedi could have obtained all these huge amounts or what was the basis for saying so even though they all depose uniformly that immediately thereafter Shri Dwivedi fell in their estimation. Equally inform is their story that after Shri Biju Patnaik is said to have referred to Chakra and Langala as the weapons of Jagannath and Belaram a sense of religious feeling was aroused in their mind and some of them even had bowd down to the Chakra and Langala. In brief, this part of the evidence appears to be clearly a mechanical repetition by each of these witnesses.

41. It is difficult to understand how each and every one of these witnesses could have the occasion to remember the exact source of the money said to have been received by Shri Dwivedi and as alleged to have been stated by Shri Surendra Mohanty. The respondent's case is that he never referred to any such source in his speech and his information on the point by the date of the meeting was confined to a controversy that had been raised in another local daily. Prajatantra of 20th September 1970 and 27th September, 1970 as in letters published therein in Ext. 3 and Ext. 4 respectively. Nor is it suggested on behalf of the petitioner that Shri Mohanty could have had any information from any other source at all. Besides these two items of publications, there was another earlier publication in the Prajatantra dated 4th June, 1970 as in the news commentary in Ext. A, which is relevant to this topic. There is also a further letter from Shri Surendranath Dwivedi published in the Prajatantra dated 13th June, 1970 which also bears on the point. But in none of these exhibits is there any reference whatsoever to any Bombay Marwari Society having given any money to Shri Surendranath Dwivedi for relief work. It was not possible, therefore, for the respondent to have made any reference to any such Bombay Marwari Society which could not have been one of the sources from which Shri Surendranath Dwivedi might have had received money and necessarily therefore, Shri Surendra Mohanty could not possibly have made any reference to any such Bombay Marwari Society in his speech. It is strange, therefore, that each of the witnesses on behalf of the petitioner on the point uniformly makes a reference to this Bombay Marwari Society. In my view, this is again one of the most vital aspects of the petitioner's evidence which renders the witnesses on his behalf very much undependable and is a clear pointer to the fact that for some obscure reason or other they have come forward with such a story, which stands nowhere explained on behalf of the petitioner.

42. As against this, on behalf of the respondent, a correspondent for the Samaj, another Oriya daily published from Cuttack namely Shri Rasananda Rath (P.W. 4) has been examined. He is a resident of Marsha Ghai and was present at the meeting. This witness was a member of the Praja Socialist Party from 1957 to 1967. Though he no longer belongs to this party nor any other political party, he had still contacts with the members of that party even till the date of the election in question in 1971. Ext. F is a letter received by him on 12th January, 1971 from Shri Surendranath Dwivedi and in this Shri Dwivedi solicite cooperation and assistance from the witness in the 1971 election. This would serve to indicate that he could have had no particular bias in favour of the Utkal Congress Party to which Shri Biju Patnaik and the respondent belong. Besides, as he deposes, there is nothing to discard his evidence in that regard. The paper of which he is a correspondent since 1962 namely the Samaj is a non-partisan paper. On 20th February 1971 a news item regarding this meeting at Marsha Ghai on 15th February, 1971 had been published. This is Ext. J. He deposes that he was personally present at the meeting and the contents of Ext. J are based on his personal knowledge of what happened at the meeting. This news item, however, does not give out all the details of the speeches which the witnesses depose to in Court. But that is because, as he deposes, the

Samaj being a non-partisan paper is not expected to publish the reports of political meeting of different parties which would serve to support them during the election. His evidence is that Shri Surendra Mohanty never stated anything about the sources from which the moneys might have been received by him, nor did Shri Biju Patnaik say anything about Shrikrishna and Balaram as reported in Ext. 2. He gives a fairly consistent picture of the relevant portions of Shri Surendra Mohanty's speech and deposes that Shri Mohanty's reference to the relief moneys received by Shri Surendranath Dwivedi from different quarters was occasioned by the fact that the Marsha Ghai area was affected often by floods and cyclone as pointed out by Shri Mohanty in his speech. He does not make any secret of the fact that a reference by Shri Surendra Mohanty had been made to certain alleged non-remission of accounts by Shri Surendranath Dwivedi in respect of these moneys whereafter Shri Mohanty enquired of the audience whether they had received any such moneys. In response, about 4 to 6 persons sitting near the dais stood up to say that they had not received any such relief. According to him, no allegation of misappropriation by Shri Surendranath Dwivedi was made by the respondent in his speech. Nor did he notice any stir or commotion amongst the audience as deposed to uniformly by different witnesses for the petitioner referred to earlier. The witness is alive to the fact that the particulars of speeches he has given out here had not been referred to in Ext. J. Besides the explanation of his already referred to, he makes it further clear that within the scope and size of the report Ext. J he could not have included the criticism of Shri Surendranath Dwivedi or of others made in the speeches, which he tried to avoid though he reveals that the general criticism of any particular party could have been included in his report. This, to my mind, does not serve to discredit the witness in any manner. He concedes that he is unable to give the exact language which Shri Surendra Mohanty used about the moneys having been received by Shri Surendranath Dwivedi but he makes it clear in his cross-examination that Shri Mohanty had said was that Shri Dwivedi had brought moneys for the 1967 cyclone from various sources in India and also from individuals and that there was a controversy in the Prajatantra and so he enquired of the people whether they had received any such moneys from Shri Dwivedi, if Shri Dwivedi at all received all these.

43. The only suggestion against this witness is that he is alleged to have given four copies of the Kalinga containing Ext. 2 to Shri Birbar Lenka, P.W. 4 two or three days after the meeting at Marsha Ghai on 15th February 1972 for distribution in the presence of Shri Surendra Mohanty who was in a jeep at the time near the Utkal Congress office at Marsha Ghai. This part of the evidence of the petitioner as deposed to by P.W. 4 would serve to indicate that this witness Shri Rasananda Rath, R.W. 4 was nothing other than a worker of the Utkal Congress party or atleast supporter of the Utkal Congress. R.W. 4, however, refutes this suggestion against him and Birabar Lenka (P.W. 4) admits that he had never told anybody about Shri Rasananda Rath and Shri Surendra Mohanty giving him copies of the Kalinga. He never made any inquiry as to who the person was who had given this item of news as in Ext. 2 although Ext. 2 purports to have been sent by a person from Marsha Ghai. He claims to have distributed these copies to certain villagers who have been named by him in his deposition. They the witness deposes, wondered at Shri Dwivedi appropriating moneys in the manner stated in Ext. 2. But the witness although he claims to have ascertained from the P.S.P. people that this allegation against Shri Dwivedi was all false for the reason that Government officials were there to render help, he never told these three villagers about it to clarify their confusion. His only explanation is that there was no particular reason why he did not tell them so and that it was no business of his to enquire so much about it. I am unable to place any reliance

on P.W. 4 in preference to R.W. 4. The correspondence already referred to between Shri Surendranath Dwivedi and Kanananda Rath, P.W. 4 is sufficiently indicative of the fact that R.W. 4 had direct contact with the P.S.P. leaders even by the date of the 1971 election and cannot be regarded as a witness of partisan character and interested in the Utkal Congress Party.

44. The evidence of R.W. 4 clearly corroborates the evidence of other witness for the respondent particularly R.W. 7. Bed Prakash Agarwalla who is a member of the Utkal Congress Party and Chairman of the Kendrapara Municipality. He was also a candidate for the Kendrapara Assembly constituency in the 1971 election.

45. All that remains to be noted in this context is that the evidence of Shri Surendra Mohanty himself is fully corroborated by Shri Kanananda Rath R.W. 4. As already pointed out, Shri Surendra Mohanty could not possibly have any reason to think at all that any Marwari Relief Society, Bombay could have been a source from Shri Dwivedi might have had received relief moneys. All the witness on behalf of the petitioner on the point link up the Bombay Marwari Society and the Prime Minister's Relief Fund together. Since Shri Surendra Mohanty could not have possibly made any reference to the Marwari Society, Bombay, there is no good reason to accept the oral evidence on behalf of the petitioner to the extent of a reference having been made by Shri Surendra Mohanty to the Prime Minister's Relief Fund as well and as conceded by Shri Surendranath Dwivedi in his evidence, it is never the practice for the Prime Minister's Relief Fund to be distributed directly through private individuals, a position which cannot be said to be outside the knowledge of Shri Surendra Mohanty also who himself has been a member of the Parliament for a very long time. Having regard to all these factors, in my view, the story as given out in court by Shri Surendra Mohanty as regards the contents of his speech on this aspect must have to be accepted. It is true that as regards Shri Biju Patnaik's speech, he has not himself been examined but nonetheless there is no reason to discard the evidence adduced on behalf of the respondent in this regard also.

46. The learned counsel for the petitioner, however, emphasises that it would be strange to hold that the news item in Ext. 2 could have gone wrong only on these two aspects of the speeches relevant to the petitioner, namely as to the source and quantum of the relief fund and the reference to the election symbol as weapons of Jagannath and Balaram, but otherwise gives a correct report of these speeches.

47. But to accept such a line of approach would be purely speculative. The fact remains that Ext. 2, to say the least, is by no means a complete report of either of these speeches nor does it purport to be so nor is there available anywhere any such complete report of the speeches. Similarly, Ext. G and Ext. H, the news items purporting to be of the Marsha Ghai meeting reported in the Oriya daily Prajanta of 18th February 1971 and 27th February, 1971 contain no reference to either of these topics. This daily belongs to a political party between which and the Utkal Congress there admittedly subsisted a keen rivalry and even so, this paper has not taken note either of these aspects. Having regard to the standard of proof required it would not at all be correct or safe to place any reliance on the news paper reports as such without anything more. Besides, it is patent that if at all Ext. G relates to this meeting it clearly conflicts with Ext. H. Nonetheless, it has been suggested to R.W. 4 in cross-examination that the journalist referred to therein as being present at Marsha Ghai to garland Shri Biju Patnaik came back disappointed was no other than R.W. 4 himself. This is an attempt to prove that he was a supporter of the Utkal Congress Party and his evidence was of a partisan character. Apart from the fact that this suggestion has not been accepted, it would conflict with the stand

taken by the petitioner that it is not his case that there was any meeting held or scheduled to be held by Shri Biju Patnaik at Marsha Ghai other than on 15th February 1971. Thus, the undependability of such news reports is patent.

48. The question whether what was stated by the respondent was a statement of fact and if so, whether it was false, may now be considered. At the outset it is clear that the reference to the Bombay Marwari Society, if made, was certainly not a correct statement of fact. The reference, if any, to the donation received by Shri Surendranath Dwivedi from the Prime Minister's fund cannot also be true because though a sum of Rs. 20,000 had been sent by the Prime Minister soon after the 1967 cyclone to the Chief Minister at the instance of Shri Surendranath Dwivedi, this was distributed through Government official agencies.

49. It is also clear that soon after the 1969 floods Shri Surendranath Dwivedi had issued appeals particularly to Bihar Relief Committee which donated Rs. 25,000 but this amount had been sent to the Utkal Relief Committee which, under the instructions from Shri Dwivedi and the Bihar Relief Committee, passed on the amount to the Orissa Relief and Rehabilitation Committee sponsored mostly by the members of the Praja Socialist Party but the money never came into the hands of Shri Surendranath Dwivedi. His evidence as P.W. 13 on behalf of the petitioner must be accepted and his stand is fully corroborated by the oral and documentary evidence brought on record. Nor is this position seriously questioned on behalf of the respondent. It is clear beyond doubt that no such relief money actually came into the hands of Shri Surendranath Dwivedi, much less did he ever take upon himself the task of disbursing the same among the cyclone or flood affected people. Necessarily also any assertion that Shri Surendranath Dwivedi was personally liable to render accounts cannot be an assertion of truth.

50. At this stage it would be appropriate to observe that both the witnesses namely Shri Surendranath Dwivedi on behalf of the petitioner and the respondent on behalf of himself have been closely cross-examined by the learned counsel for the respective parties and their version stands completely unshaken. Both of them have in a forthright manner and with full sense of responsibility clarified the position posed before them and in a manner full commensurate with their long standing reputation as public men.

51. Thus, Shri Surendranath Mohanty when he spoke about matters covered by Exts. 3, and 4, for, he had no other possible source of information, was doing nothing but reproducing what he had gathered from there. According to him, he refers to the newspaper reports in his speech. There is nothing counter to it and one of the petitioner's witnesses says that he does not remember if Shri Surendra Mohanty did make any such reference to any newspaper publication. In one view of the matter such a statement by Shri Mohanty can well be taken nothing than a mere opinion formed by him which he placed before the audience not abruptly but after referring to the fact of contents of the newspaper reports as in Exts. 3 and 4 from which he had drawn this inference of Shri Surendranath Dwivedi not having rendered accounts. Even assuming that this was nothing but a statement of fact and not of an opinion, it was nothing more than a repetition of the purport of the contents of Exts. 3 and 4. To use the language of Shri Surendra Mohanty himself—

"I had noticed the controversy in the Prajanta and had carried the controversy to the meeting on 15th February, 1971 which means I referred to this controversy at the meeting."

In my view, however, to the extent that Shri Surendra Mohanty stated at the meeting that Shri Surendranath Dwivedi had not submitted accounts for the moneys

received, cannot be regarded as anything but an expression of opinion. A bare reading of Exs. 3 and 4 would show the conflicts and confusion relating to this topic and even as Shri Anil Kumar Ghose (P.W. 12) has said in Ex. 4 which was his rejoinder he being the Secretary to the Orissa Relief and Rehabilitation Committee, there was already confusion raised over the matter. Since Shri Surendra Mohanty had never had any personal knowledge of these collections, distribution or accounts his statement after a reference to these newspaper reports at the meeting was nothing but inference presented to the audience based on these reports. Therefore, by telling the audience that as such Shri Dwivedi is to be taken as having not rendered accounts, cannot in any sense of the term be described as a statement of fact. The question of such an expression of opinion being either false or believed by Shri Surendra Mohanty to be false or not to have been believed by him to be true, does not arise.

52. According to him, he never told the audience that thereby it was to be taken that Shri Dwivedi had misappropriated the amount (MAR NELE meaning MAR LIA in Hindi). Even assuming for a moment that he did say so as deposed to by the witnesses for the petitioner, this would be manifestly nothing but a further inference drawn from the inference that Shri Dwivedi had not rendered accounts.

53. It would be idle to contend that in the context of such heavy relief moneys and particularly collected by a person in the position of Shri Surendranath Dwivedi, it could at all be said that it was he himself that would have kept the money and distributed it himself even when a relief committee like the Orissa Relief and Rehabilitation Committee was there and available and even though the P.S.P. had its political and social workers in the area. Necessarily, a mere statement that Shri Surendranath Dwivedi in this context had not rendered accounts does not necessarily mean that he was personally liable to render such accounts and much less that he could have had any scope for personally misappropriating the moneys. No such inevitable inference can flow. The possibility of the innumerable other inferences can be readily arrived at and it is not as if Shri Surendranath Dwivedi was a stranger to the people of the locality much less to Shri Surendra Mohanty.

54. It is this aspect of a possible misappropriation that is the real crux of the petitioner's case. Apart from what has been stated above, admittedly there is no such averment in the petition itself as forming the basis of the relevant corrupt practice alleged. For that reason also, this aspect of the matter can in no event weigh against this respondent. Had this been told to the audience purely as a statement of fact or in the context of other facts as a necessary inference drawn therefrom, then the position might well have been different.

55. In this context it would be enough to refer to the case of *Deba Kanta v. Golak Chandra* (A.I.R. 1970 S.C. 1231) where their Lordships while distinguishing the case of *Kumar Nanda v. Brij Mohan Lal Sharma* (A.I.R. 1967 S.C. 808), pointed out that in this earlier decision no facts were given from which an inference might have been sought to be drawn that the candidate was a "greatest of all thieves", while in the case immediately before them, objectionable words had been used after giving the facts on the basis of which it was held that the conduct of the respondent, namely, the returned candidate, had been undesirable.

56. Again, assuming for a moment that it was by way of a statement of fact that Shri Surendra Mohanty had referred to non-rendition of accounts, in my view, it would not be correct to hold that this statement imputed to Shri Surendranath Dwivedi a kind of personal or moral depravity. In the context it purely bears on the public conduct of Shri Dwivedi even apart from what Shri Mohanty has deposed in Court to that effect

in support of this position regarding his own approach to the matter. It is true that Shri Surendranath Dwivedi deposes that this reference to non-rendition of accounts by him as reported in Ext. 2 brought to his mind the idea of allegation of misappropriation. But even as the petitioner himself deposes on a reference to Shri Surendranath Dwivedi after the filing of the election petition, the latter had felt vexed as he had not been previously consulted. It is also true that Shri Surendranath Dwivedi deposes to have written a letter to the respondent during his election telling him "what would be the use of false propaganda that you are making please contradict it." Whether this letter at all reached Shri Surendra Mohanty is not known and Shri Mohanty admittedly has not responded to it. What is significant is that the content of this letter even as deposed to by Shri Dwivedi does not suggest as if at the time anything like an idea of misappropriation had struck him as being the implication of what Shri Surendranath Mohanty was reported to have said at the meeting and the fact remains that after Shri Dwivedi had issued his contradiction as in Ext. 5, he took the matter as closed as deposed to by him.

57. In the circumstances, having regard to the principles laid down in *Deba Kanta v. Golak Chandra* (A.I.R. 1970 S.C. 1231) and in *Jivatodo v. Vithalrao* (A.I.R. 1970 S.C. 1841) it must be held that even if it be regarded as a false allegation of fact, it touches the political position or reputation or action of Shri Dwivedi and does not touch the person of the candidate. It is interesting to note that it has been elicited from R.W. 5 in his cross-examination that the context in which the controversy in the Prajatantra was referred to by the respondent was an earlier reference by the respondent in his speech to the fact that Shri Dwivedi was in the habit of accusing other parties of misappropriating public moneys. Hence, if at all any similar misappropriation had been referred to by the respondent, it is only reasonable to hold that it must have been so done with reference to the party to which Shri Dwivedi belonged namely the P.S.P. party and not with reference to the personal character and conduct of his.

58. The question that remains to be considered is whether it can be said on the basis of the material available that Shri Surendra Mohanty could have believed this fact of non-rendition of accounts to be false or that he ever believed that it was true assuming that it was a statement of fact bearing on the personal character and conduct of Shri Surendranath Dwivedi. As already pointed out, the truth or falsity of it could not have been known to him. Even in so far as his belief about the truth of it is concerned, it is abundantly clear that this statement was made in a thoroughly bona fide context and for which there was present a positive basis. This basis lies primarily in the controversy that had been raised in Ext. 3 and Ext. 4 of which the letter itself admits of a substantial degree of confusion in the matter appeals, collection, disbursement and accounts in so far as Shri Surendranath Dwivedi is concerned. Ext. 3 is a letter published in the Prajatantra with a caption asking Shri Dwivedi to render accounts written by one Saraj Mohanty and few others. This is in the Prajatantra dated 20th September, 1970 Ext. 4 is a rejoinder to this by Shri Anil Kumar Ghosh, treasurer of the Orissa Relief and Rehabilitation Committee who figures as P.W. 12. Ext. 4 also contains another rejoinder by the said Saraj Mohanty in reply to Shri Anil Kumar Ghosh's letter. It is not necessary to enter into the details of the contents of these two exhibits. Suffice it to say that these publications leave no manner of doubt that the challenge thus made in respect of the accounts relating to the donations in the context of 1967 cyclone and 1969 floods was a real controversy, for an individual personally acquainted with the facts referred to therein would be left with the impression that Shri Dwivedi had the duty to render accounts which in fact had not been done. What is also important is that it is not as if there is anything pointedly therein which

suggested that there was a personal liability cast on Shri Dwivedi to render accounts or that he had personally taken these moneys and had disbursed the same.

59. It is not clear whether Ext. 5 which was Shri Dwivedi's reply to the news commentary, Ext. 4 written and published in the *Pratjantra* of 4th June, 1970 by the Chief Editor of that paper P.W. 1, had come to the notice of Shri Surendra Mohanty or not. But assuming for a moment that he had noticed this Ext. 5 as suggested on behalf of the petitioner, Shri Dwivedi therein had referred to the damages done not only during the 1967 cyclone but also the floods thereafter in 1969, Shri Dwivedi had appealed to different relief organisations and individuals after the 1969 floods and as a result Rs. 25,000 had been received through the Utkal Relief Committee besides the moneys from other donors. He further states therein that by the date of his letter the moneys were being distributed for renovating different school buildings in Patkura and its neighbouring areas through a committee. He ultimately gave the assurance that after the disbursements are complete, the donors were to be furnished with a detailed report. It is manifest that by the date of Shri Dwivedi's letter the accounts had not been published.

60. As is apparent from the evidence, this controversy persisted between June 1970 and September 1970. The meeting took place in February 1971. Even P.W. 1 the Chief Reporter and author of Ext. 4 deposes that he had no knowledge of the settlement of the controversy even by the date when he was thus deposing in Court.

61. To add to this, there is nothing to refute the assertion of Shri Surendra Mohanty in his cross-examination that the P.S.P. that the P.S.P. workers and others in Patkura were making election propaganda out of the fact that Shri Surendranath Dwivedi had raised funds for the relief of the distress in the Patkura area and further that in course of his tour in the Patkura Constituency during his election he had heard two versions—one set of people saying that it was Shri Dwivedi that some relief had been given at Patkura, the other version being that they had not received anything and that the funds had been misutilised and Shri Dwivedi had not rendered accounts. Even after Ext. 3 which was a rejoinder to Shri Dwivedi's letter, Ext. 5 and which notwithstanding this letter insisted upon Shri Dwivedi to render accounts, no further reaction of Shri Dwivedi was available in the aforesaid circumstances, it is difficult to cast any doubt on the bona fides of Shri Surendra Mohanty when he held the audience in the manner he is alleged to have done and to arrive at a finding that he believed all that he said was false or that he had never believed this thing to be true. Much has been made on behalf of the petitioner to the fact that it was only in the context of the 1969 floods that Shri Dwivedi had appealed for donations, whereas the reference in the speech of Shri Surendra Mohanty and the news item in Ext. 2 referred to the 1967 cyclone. But in no event can this be a matter of real consequence and Shri Dwivedi himself in his letter Ext. 5 refers to his appeal being in respect of not merely 1969 floods alone but also damages brought about by the 1967 cyclone as further heightened the calamities in 1969.

62. Suffice it to note that the correspondence in Ext. 16 to 19 during November and December, 1967 to which Shri Surendranath Dwivedi was a party and the Ext. M dated 10th September, 1969 a letter from the Bihar Relief Committee to Shri Radhanath Rath as also Ext. 9, dated 16th October, 1969 from Shri Surendranath Dwivedi to Shri Radhanath apart from clearly eliminating the possibility of mala fides on the part of the respondent, on the other hand very clearly indicate that Shri Dwivedi was closely associated with the availability of funds for relief and closely concerned with the disbursement thereof. It is important to note that the audit report of the Orissa Relief and Rehabilitation Committee for the period 9th July, 1969 to 31st March 1971 was prepared as late as on 30th April, 1971 as in Ext. 15.

63. The net result of the foregoing discussions, therefore, is that the item of corrupt practice under Section 123(4) of the Act alleged against Shri Surendra Mohanty must be held not to have been proved.

64. Coming now to the charge under Section 123(3) of the Act, it would be convenient to deal with the contents of Ext. 1, the editorial in the *Kalanga* dated 15th February, 1971 and the impugned part of the statement in Shri Biju Patnaik's speech. It may be recalled that Ext. 1 as earlier discussed had been written by Shri Gyanendra Verma who had remained in charge of editing the paper since after the commencement of the election campaign by Shri Surendra Mohanty and as already held in that context Shri Surendra Mohanty never had anything to do in fact with the editing of the paper during those days nor any voice in the writing of the editorials and the publication thereof.

65. At the out set it is important to take note of the fact that the petition expressly confines itself to an allegation that both in Ext. 1 and in Shri Biju Patnaik's speech, there had been an appeal to religious symbols namely the Chaka and Langals symbols allotted by the Election Commission by describing these symbols as weapons of Jagannath and Balaram. It is not any appeal to religion as such that has been taken exception to in the petition. The relevant issue is also confined to an appeal to religious symbol.

66. On the other hand, in contrast to this it is significant that the petitioner in his deposition, however, and that too in his examination-in-chief admits that on a reading of the editorial Ext. 1 and the report of the speech of Shri Biju Patnaik his impression was that it was an appeal in the name of religion. In cross-examination also he makes it clear that according to him the object of the editorial was only to make a religious appeal to the voters.

67. There can, however, be no doubt that a religious appeal and an religious symbols as contemplated under Section 123(3) of the Act are entirely two different things. The former in appropriate circumstances may come within the mischief of Section 123(2) but cannot be identical with an appeal to a religious symbol.

68. Before proceeding further it is to be noted that, as already held the evidence on behalf of the petitioner regarding this objectionable part of Shri Biju Patnaik's speech does not deserve to be accepted and that the evidence on behalf of the respondent to the effect that Shri Biju Patnaik never made any such speech has to be preferred. There is, however, a further point which deserves to be noticed and that is that according to the petitioner while Shri Biju Patnaik had been addressing the meeting, Shri Surendra Mohanty was present all the time. The respondent's case on the other hand is that immediately after he finished his speech he was called away to be present at Kiarbank where the next meeting of the evening had been scheduled to be held and it had been delayed as a result of Shri Biju Patnaik and Shri Surendra Mohanty having been held up at Marsha Ghai.

69. In this context the evidence of the petitioner's witness is that Shri Biju Patnaik and Shri Surendra Mohanty left the Marsha Ghai meeting together and the evidence on behalf of the respondent is that Shri Biju Patnaik made speech after Shri Surendra Mohanty had left the meeting. In view of the nature of the evidence of the prosecution witness, as already discussed, little reliance can be placed on them even in respect of this item and I would prefer to hold that Shri Surendra Mohanty had in fact left the meeting before Shri Biju Patnaik addressed the audience and thus no liability of any kind can attach to Shri Surendra Mohanty for whatever Shri Biju Patnaik had said.

70. Even assuming for a moment that he was present during Shri Biju Patnaik's speech, there is not even an iota of evidence to suggest that Shri Surendra Mohanty could have had any knowledge of what the

context of Shri Biju Patnaik's speech was going to be, nor is there any evidence to show that he had earlier given his consent to the context of Shri Biju Patnaik's speech. The decision of the Supreme Court in *S. N. Balakrishna v. Fernandez* (A.I.R. 1969 S.C. 1201) has already been discussed on the question as to the nature of the proof required to establish consent of the candidate. It is only necessary to emphasise in this context also as held therein that mere knowledge of or connivance at the corrupt practice is not enough to infer corrupt practice. It is true that their Lordships held there that a consistent course of conduct in the canvass of the candidate may raise a presumption of consent but the necessary plea or evidence in the instant case is completely absent. While it is true that Shri Biju Patnaik used to move about widely holding meeting, this was generally in the interest of the party as a whole and no doubt in the interest of several candidates that were contesting the elections not only for the Panchayati constituencies as in the case of Shri Surendra Mohanty but also for other party candidates for the State Legislative Assembly. The mere presence of Shri Surendra Mohanty at the meeting cannot as such be enough to presume consent.

71. On behalf of the petitioner, however, reliance has been placed on the case of *Maganlal Bagdi v. H. V. Kamath* (A.I.R. 1960 Madhya Pradesh 362) wherein it has been held that where election publicity and propaganda of a party's candidates for election to the State Assembly as well as to the House of People are conducted conjointly, the candidates are in fact and law the agents of the candidates for the House of People and vice versa within the meaning of Section 123(4) of the Act. There is, however, no such allegation made in the election petition as was the case in this decision of the Madhya Pradesh High Court. There is little doubt that if such a broad proposition of law is taken as of universal application, it would be to create the most difficult position for the party candidates to meet the charge of corrupt practice. What is essential is that there must be a consent in the proper sense of the term and as pointed out in *Lalsing v. Vallabh Das* (A.I.R. 1967 Gujrat 62)—

"In order that an act may be said to have been done by one with the consent of another, it is necessary to determine that the two persons were adidem on the act done."

This decision has been referred to with approval in the Supreme Court decision reported in A.I.R. 1969 S.C. 1201. If as held therein even knowledge cannot be sufficient to prove consent, it will not stand to reason that mere presence of Shri Surendra Mohanty at the time Shri Biju Patnaik was addressing the meeting can unequivocally lead to an inference of such a consent.

72. It follows that in no event can the respondent be said to have given his consent to the appeal if any to religious symbols made by Shri Biju Patnaik. The only question, therefore, left for consideration on this part of the case is whether assuming this speech of Shri Biju Patnaik was as alleged by the petitioner, such a speech was tantamount to an appeal to religious symbols. The case of the petitioner in respect of Ext. 1 in the editorial in the Kalinga stands on the same footing.

73. In both the speech and the editorial it is obvious that there has been clearly an appeal to the election symbols allotted by the Election Commission. This consists of a water-wheel and a plough and is to be found in the list of symbols formed under the Election Symbols (Reservation and Allotment) Order 1963 printed at page 412 of the Government publication of Manual of Election Law, 6th edition. All that is alleged is that this wheel has been referred to as a weapon of Jagannath and the plough to be a weapon of Balaram and this is the only basis on which the allegation of an appeal to religious symbols rests. In other words, it is to be seen whether the mere fact that the wheel and the plough are ascribed to be the weapons of Jagannath and Balaram in religious lore is sufficient to constitute these two things to be religious symbols.

74. On behalf of the petitioner reliance has been placed upon the cases reported in 1955(4) E.L.R. 380, 19 E.L.R. 278 and 20 E.L.R. 76. Of these, the case in 20 E.L.R. 76 is not directly relevant to the point. In 19 E.L.R. 278 the question was substantially different namely whether there were systematic appeals in the name of religion and the use of religious symbols. Their Lordships found as a fact that a systematic appeal in the name of religion and the use of religious symbols were carried on by the returned candidate and his agent. In answer to the contention that the bullock was not a religious symbol, their Lordships again emphasise that this appeal was a plain and systematic appeal when the leaflets on the subject were distributed among the voters to the knowledge of the returned candidate. It is in that context the Court observe that it would be sufficient to state that the bullock has been described as a Behara of Lord Siba and as such had been used as a religious symbol. It would thus appear that to this extent atleast this decision supports the petitioner's case. In the case reported in 1953(4) E.L.R. 380 it was held that an appeal to religious symbols need not be systematic even within the meaning of Section 124(5) of the Act as it then stood. The actual symbol allotted by the Election Commission was a pair of yoked bullocks. Even though the bullocks were described as bahana of Basavanna which was a religious deity it was held that the very fact that the word "Basavanna" used during the course of the election shows that an appeal was made to religion; the tribunal clearly held that the appeal to the actual symbol could not be held to be an appeal to religious symbol since the pair of yoked bullocks in the actual symbol was not a picture of Basavanna. Thus, the tribunal made a clear distinction between a religious appeal and an appeal to religious symbols and held that the mere description during election of the actual symbol as a religious symbol cannot be an appeal to religious symbol. This decision in effect, therefore, does not support the case of the petitioner. Besides, another decision reported in 20 E.L.R. 76 has been held that the banion tree was a religious symbol.

75. Be that as it may, the law as it stands must be understood in the light of the decision of the Supreme Court in *Ramanbhai v. Dabhi Ajitkumar* in A.I.R. 1965 S.C. 669. It is essential for the purposes of this case to take note of their Lordships observation in paragraph 10 of their judgement as quoted below.

"As already stated, the Election Commissioner has itself allotted the symbol of star to the Swantra party. Would it be turned into a religious symbol because the star is described in the leaflets as the Dhruva star? In Webster's New World Dictionary a symbol is described thus: "something that stands for or represents another thing; especially an object used to represent, i.e., in the entire creation and that the dove is a symbol of peace, the cross is the symbol of Christianity". The star standing by itself was a symbol of the Swantra Party. Would it become then a religious symbol unless, like the cross, it is regarded as a symbol of Hindu religion when it is associated with Dhruva? It is impossible to say that any particular object, bird, or animal could be regarded as a "symbol of the Hindu religion". The basic concept of Hindu religion is that the supreme being is in every "inanimate" object, plant, creature or person, i.e., in the entire creation and that the entire creation is within the Supreme Being. If, therefore, according to the fundamental concept of Hindu religion, God or Divinity is the reality of the substance of everything that exists, it would not be possible to say that any particular object is a symbol of the Hindu religion. It is true that various deities in the Hindu pantheon are associated with some specific objects, birds or animals. Thus, for example, Shiva is associated with a trident and a coiled cobra round his neck; Vishnu is associated with the cobra 'Shesha' on which he reclines as upon a

bed; the eagle is associated with Vishnu as his vehicle; the goddess Lakshmi is associated with lotus upon which she stands and so on and so forth. Does it mean then that if a person uses a lotus or a cobra or a trident as his election symbol he will be appealing to the religious sentiments of the people? The answer must be clearly in the negative."

Their Lordships in the decision referred to above namely the case reported in A.I.R. 1965 S.C. 669 further observe as follows:—

"Similarly, if they are told that they should cast their votes for a particular candidate whose election symbol is associated with a particular religion just as the Cross is associated with Christianity, that will be using a religious symbol for obtaining votes. But where, as in the case of Hindu religion it is not possible to associate a particular symbol with religion, the use of a symbol even when it is associated with some deity, cannot, without something more, be regarded as a corrupt practice within the meaning of Section 123(3) of the Act."

76. In view of these clear pronouncements of their Lordships of the Supreme Court the finding as to whether there was an appeal to a religious symbol must be answered in the negative. The principles that should guide the Court in appreciating the implication of speeches at election campaigns and leaflets distributed at election meetings have already been referred to suffice it to say a reading of the editorial Ext. 1 as also the speech alleged to have been made Shri Biju Patnaik must have to be read in the light of the decision of the Supreme Court in *Shubnath Deogam v. Ram Narain Prasad*, A.I.R. 1960 S. C. 148 referred to in A.I.R. 1965 S. C. 669. Here again, the relevant passage in A.I.R. 1960 S. C. 148 may be quoted with advantage which runs as follows:—

"A distinction must, therefore, be drawn between canvassing on grounds of religion and seeking of votes in graphic or picturesque language with analogies from religious lore; to illustrate, a candidate may appeal to the electorate consisting of persons professing different religions, say Hindus, Mohammedans, Christians etc., to vote for him and say that he would sacrifice his life in the cause of his constituency just like Christ sacrificed to redeem the world. He may also say that like Rama, the virtuous, who killed Ravana, the rakeshasa, the embodiment of evil, he would, if elected, put down corruption, nepotism and the like in Government. He may even say that he would sacrifice himself as a goat before Kali to bring happiness and prosperity to his constituency. All these similes are drawn from religion, but they do not embody an appeal, directly or indirectly, to vote for the candidate on grounds of religion".

It is patent, a distinction has undoubtedly to be drawn between canvassing on grounds of religion and appealing to religious symbols merely because the Chakra is the weapon associated with Sri Krishna or Jagannath and merely because the plough is associated with the deity Balaram, it cannot convert the Chakra Langala in to a religious symbol.

77. It remains to be emphasised that a fair reading of the editorial Ext. 1 emphasises upon the scheme ascribed to what Chakra and Langala represent namely agriculture and development of industries and it is claimed that since this picture of these two articles had been assigned to the Utkal Congress party as their election symbol it is with the power underlying this symbol that the Utkal Congress Party will be able to bring about all round developments in the State of Orissa in agriculture, industries and in providing employment to the unemployed. While doing so it points to the fact of association of these articles with these two deities and describes them as weapons of these deities

and it is because of the immeasurable force behind these weapons that it will be possible for the Utkal Congress Party to do so. It cannot but be held that such a presentation can hardly stir up even the religious sentiment and is nothing more than the use of similes drawn from religion couched in metaphors and high-flown language.

78. The finding must be that neither in the editorial in Ext. 1 nor in the speech if made by Shri Biju Patnaik to this effect, it is possible to hold that there has been an appeal to a religious symbol. It is significant that it is not even the case of the petitioner that there has been a use of religious symbol as distinct from an appeal to religious symbol. It is equally significant as is evidence the emblem of the P.S.P. on its flag is nothing other than this wheel and plough, nothing substantially different from that of the election symbol allotted to the Utkal Congress Party.

79. The next point for consideration is whether if at all it is to be held that these statements of Shri Surendra Mohanty in his speech as reported in Ext. 2 fall within the mischief of Section 123(4) of the Act and whether it can be said to have been reasonably calculated to prejudice the prospects of Shri Surendranath Dwivedi's election. This aspect has been explained in *Jivatode v. Vithalrao* in A.I.R. 1970 S. C. 1841. The word 'calculated' has to be interpreted in the sense that the publication of false statement of fact relating to personal character or conduct must be such as would in the estimation of the court having regard to the nature of the publication, the evidence tendered in court and the surrounding circumstances have its natural and probable consequences of prejudicing the prospects of the candidate relating to whose personal character or conduct the publication has been made. The emphasis is not so much on the intention of the publisher but on the probable effect on the election of the candidate against whom these statements are directed.

80. It is not to be ignored that as is in evidence on behalf of the petitioner himself Shri Surendranath Dwivedi had been held in high esteem in the area. If at all the impugned statements are to be equated with the allegation of misappropriation without any reservation whatsoever it cannot but be said that in all probability the prospects of Shri Dwivedi's election would have stood prejudiced. But as taken into account by their Lordships of the Supreme Court in the decision last referred to, a campaign of slander is likely to create prejudice in the mind of the people. The bigger the lie, the greater is the chance of its being accepted as truth and that there is unfortunately a tendency in the mind of the unwary public to believe the worst about individuals. Though in this sense the answer to the question must be in favour of the petitioner, on the finding already arrived at, the question does not really arise.

81. As regards the alleged appeal to religious symbols the question of furtherance of the prospects of the election of Shri Surendra Mohanty or prejudicially affecting the election of Shri Surendranath Dwivedi does not also arise on the basis of the finding already arrived at. Even otherwise the speech was made by Shri Biju Patnaik, the leader of the Utkal Congress and in his speech as well as in the editorial Ext. 1 the emphasis is on the victory of the Utkal Congress Party as such which is not an All-India Party. Even though Shri Surendra Mohanty was a candidate of the Utkal Congress Party for the Parliamentary constituency nonetheless in the speech and in the editorial the ultimate object is to ensure the necessity of forming a strong and stable Government for upliftment of the State of Orissa. Besides, at the meeting on 15th February, 1971 at Marsha Ghai there were also other Utkal Congress Party candidates contesting the election for the State Assembly. It is not alleged as if while making an appeal, if any, to a religious symbol Shri Biju Patnaik made any reference in that context to the candidature of Shri Surendra Mohanty or even of Shri

Surendranath Dwivedi. Nor is there any allegation in the election petition that it was ever the scheme of Shri Biju Patnaik, Shri Surendra Mohanty and others of his party to jointly canvass in favour of each one of them through speeches to be delivered by their leader, Shri Biju Patnaik. In the circumstances, even on the assumption of facts in favour of the petitioner, it is not possible to give a finding in favour of the petitioner in so far as the last limb of sub-section (3) of Section 123 of the Act is concerned.

82. All that remains to be noted is that on behalf of the respondent several petitions have been filed praying for an expunction of that part of the depositions of the petitioner's witnesses who say that Shri Surendra Mohanty had told the audience that Shri Surendranath Dwivedi had misappropriated the moneys received by him. On behalf of the petitioner counters have been filed. The position, however, is clear that the witnesses had said so in the context of their versions of the speech that they were deposing to as having been made by Shri Surendra Mohanty. It is true and it is conceded by the learned counsel for the petitioner that there is no specific assertion of an allegation of misappropriation in the election petition. But nonetheless it is not really a question of expunction of this part of the depositions but it is a question of taking this part of the depositions into account in the context of the actual allegation in the petition under Section 123(4) of the Act. As already pointed out, the point is whether by the mere fact of having said that Shri Surendranath Dwivedi had not rendered accounts, the only inevitable conclusion was that there was misappropriation by him. Having regard to all these circumstances, the relevant part of the depositions does not call for any expunction and the petition in that behalf by the respondent is rejected.

83. On behalf of the petitioner a petition has been filed for naming Shri Biju Patnaik as a person who has been proved at the trial to have committed corrupt practice. In view of the actual findings, the question does not arise and this prayer is also rejected.

84. In the result, therefore, the finding must be that no corrupt practice within the meaning of Section 123(3) or Section 123(4) of the Act has been proved to have been committed at the election. The petition is accordingly dismissed with costs, the total amount of which is fixed at Rs. 500 to be paid by the petitioner to the respondent.

(Sd.) B. C. DAS.

The High Court of Orissa,
Cuttack.

The 14th January, 1972.

[No. 82/OR/8/71.]

ORDER

New Delhi, the 7th February 1972

S.O. 739.—Whereas, Shri Patni Jayantilal Manilal, 65, Sutar Chawl, 25-Abdul Rehman Street, Bombay-3, who was a contesting candidate for election held in March, 1971 to the House of the People from 4-Bombay South constituency was disqualified by the Commission by its Order dated the 31st December, 1971, under section 10A of the Representation of the People Act, 1951, for his failure to lodge an account of his election expenses as required by the said Act and the Rules made thereunder;

Now, therefore, in exercise of the powers conferred by section 11 of the said Act, the Election Commission, for the reasons recorded on the representation made by the said candidate Shri Patni Jayantilal Manilal, reduces the period of disqualification imposed on him to the period of disqualification already suffered by him and removes the disqualification for the unexpired period with immediate effect.

[No. MT-HP/4/71(R).]

By Order,

K. S. RAJAGOPALAN, Secy.

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 फरवरी, 1972

क्र० आ० 739.—यतः श्री पटनी जयन्तीलाल मणिलाल, 65, सुतार चाल, 25 अब्दुल रेहमान स्ट्रीट, बम्बई-3, जो लोक सभा के लिए मार्च, 1971 में हुए निर्वाचन में 4-साउथ बम्बई निर्वाचन-क्षेत्र से निर्वाचन लड़ने वाले अभ्यर्थी थे, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10-क के अधीन आयोग द्वारा उसके आदेश तारीख 31 दिसम्बर, 1971 द्वारा, उक्त अधिनियम तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहने के कारण निरहता कर दिए गए थे।

अतः, अब, उक्त अधिनियम की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, उक्त अभ्यर्थी श्री पटनी जयन्तीलाल मणिलाल द्वारा दिए गए अभ्यावेदन पर अभिलिखित कारणों से उन पर अधिरोपित निरहता की कालावधि क घटा कर उनको ही करता है जितनी वह सहन कर चुके हैं और अनवसित कालावधि के लिए उस निरहता को इसी समय से हटाता है।

[सं० महा-ल० सं०/4/71(आर.)]

आदेश से,

क० एस० राजगोपालन, सचिव।

ORDER

New Delhi, the 8th February 1972

S.O. 740.—Whereas Shri Krishan Kumar, R/O House No. 90, Than Singh Nagar, Anand Parbat, New Delhi, who was a contesting candidate for the General Election to the House of the People, from 3-Kaithal constituency in the State of Haryana, held in March, 1971, was disqualified by the Commission by its order, dated the 3rd December, 1971, under section 10A of the Representation of the People Act, 1951, for his failure to lodge an account of his election expenses within the time and in the manner required by the said Act and Rules made thereunder;

Now, therefore, in exercise of the powers conferred by section 11 of the said Act, the Election Commission for the reasons recorded on the representation made by the said candidate Shri Krishan Kumar reduces the period of disqualification imposed on him to the period of disqualification already suffered by him and removes the disqualification for the unexpired period with immediate effect.

[No. HN-HP/3/71-(4-R).]

By Order,

A. N. SEN, Secy.

आदेश

नई दिल्ली, 8 फरवरी 1972

एस० श्री० 740.—यतः, श्री कृष्ण कुमार निवासी मकान नं० 90, थान सिंह नगर, आनन्द पर्वत, नई दिल्ली, जो लोक सभा

के लिए मार्च, 1971 में हुए निर्वाचन क्षेत्रों में 3-कैबल निर्वाचन क्षेत्र में निर्वाचन लड़ने वाले अभ्यर्थी थे, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10-क के अधीन आयोग द्वारा उसके आदेश तारोख 3 दिसम्बर, 1971 द्वारा, उक्त अधिनियम तथा तद्धीन बनाये गये नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहने के कारण निरहित कर दिये गये थे,

अतः, अब, उक्त अधिनियम की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, उक्त अभ्यर्थी श्री कृष्ण कुमार द्वारा दिये गये अभ्यावेदन पर अभिलिखित कारणों से उन पर अधिरोपित निरर्हता की कालावधि को घटाकर उनकी ही करता है जितनी वह वास्तव में सहन कर चुके हैं और अवशिष्ट कालावधि के लिए उस निरर्हता को इसी संख्या से हटाता है।

[सं. हर-नो० ३/७/४-अ०]

आदेश से,

ए० एन० सैन सचिव।

ERRATA

New Delhi, the 3rd February 1972

S.O. 741—In the Election Commissions notification No. 282/1/AP/71, dated the 1st December, 1971 published in an extraordinary issue of the Gazette of India, Part-II, section 3, sub-section (ii), dated the 3rd December, 1971—

At page 3263 of the Gazette —

- (i) in item (1) against 15-Ongole in the first line for the words "extent of constituency" read "extent of constituency" and for entries "(97) Ponnor, (98) Sapatla," read "(97) Ponnur, (98) Bapatla,"

At page 3264 of the Gazette —

- (i) in item (2) against 16-Guntur, for the entry "(103) Tadikonde" read "(103) Tadikonda"
- (ii) in item (3) against 17-Narasarajpet, for the entry "(99) Pratripad", read "(99) Prathipad,"
- (iii) in item (4) against 18-Kavali, for the entry "(119) Pondili" read "(119) Podili",
- (iv) in item (6) for the words and number "in 20-Tirupathi (SC)" read "in 20-Tirupathi (SC)",
- (v) in item (7) against 21-Chittoor, for the entries "(143) Rajampet, (153) Rayachoty and (153) Lakkireddipalli" read "(143) Palmaner, (144) Punganur and (145) Madanapalli"
- (vi) in item (8) against 22-Rajampet, for the entry "(151) Rajampet," read "(151) Rajampet",
- (vii) in item (12) against 26-Kurnool, for the entry "(177) Yemaliganur", read "(177) Yemmiganur",
- (viii) in item (1) against 10-Saluri(ST) in fifth and sixth line for the words "Amarayyavalas and Kilam villages in Mentada firka in Gajapathinagaram taluk" read "Amarayyavalasa and Kailam villages in Mentada firka in Gajapathinagaram taluk"

At page 3265 of the Gazette —

- (i) in item (2) against 12-Pedamanapuram, in third line for the words "Sobbi taluk" read "Bobbili taluk" and in the fourth line for the words "Meesalaoeta" read "Meesalapeta",
- (ii) in item (7) for the entries "112 Reddakurapadu, 114-Macherea and 128-Sarepalli (SC)", substitute "112-Peddakurapadu, 114-Mecherla, and 128-Sarvepalli(SC)",

At page 3266 of the Gazette. —

- (i) in line seventeen, for the number and word "149-Tirupathi", substitute "149-Thirupathi",
- (ii) in line thirtyfive, for the entry '164-Kalyandurg read 167-Kalyandurg' substitute the entry '164-Kalyandurg (SC) read 167-Kalyandurg (SC)',
- (iii) in item (8) against 99 Prathipad, in the third line for the word "Najupalem" read "Rajupalem" and in the fourth line for the words "Nandendla firka" read "Nadendla firka",

At page 3267 of the Gazette —

- (i) in item (12) against 111-Parchur, in the fifth line for the words "Annaaram villages" read "Annaram villages"
- (ii) in item (17) against 201-Vicarabad(SC), in second line, for the words "the existing" read "the existing entry",
- (iii) under the heading villages in Ongole firka included in Santhanuthalapadu Assembly constituency for the entry '9-Servireddipalem' read "9-Servireddipalem"

[No. 282/1/AP/71.]

R. D. SHARMA, Under Secy.

MINISTRY OF COMMUNICATIONS

(P & T, Board)

New Delhi, the 14th February 1972

S.O. 742—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March 1960, the Director General, Posts and Telegraphs, hereby specifies the 16th March, 1972 as the date on which the Measured Rate System will be introduced in PHALTON Telephone Exchange, Maharashtra Circle.

[No. 5-12/72-PHB(2)]

D. R. BAHL,

Assistant Director General (PHB).

नंचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 14 फरवरी, 1972

का० प्रा० 742—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खण्ड 111 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने फलतन टेलीफोन केन्द्र में दिनांक 16-3-72 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-12/72-पी०एच०बी०(2)]

डी० आर० बहल,

सहायक महानिदेशक (पी०एच०बी०)।

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 14th February 1972

S.O. 743—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri M. B. Mathur, Assistant in the Vice-Consulate of

India, Geneva to perform the duties of a Consular Agent, with effect from the 21st December, 1971 until further orders.

[No. F. T. 4330/3/72.]
PRAMOD KUMAR,
Under Secy. (Consular).

विदेश मंत्रालय

नई दिल्ली, 14 फरवरी, 1972

कां० 743.—राजनयिक एवं कौंसिली अधिकारी (शपथ एवं जुर्ना) अधिनियम, 1948 के भाग 2 की धारा (क) के अनुसरण में केन्द्र सरकार भारत के जनेवा स्थित उप-कौंसलालय के सहायक, श्री एम० बी० माथुर को एतद्वारा तत्काल से, अगला आदेश होने तक, कौंसली अभिकर्ता का कार्य करने का अधिकार देती है।

[संख्या फा० टी० 4330/3/72]

प्रमोद कुमार, अवर सचिव।

DELHI DEVELOPMENT AUTHORITY

NOTICE

New Delhi, the 26th February 1972

S.O. 744.—The following modifications which the Central Government proposes to make to the Master Plan for Delhi are hereby published for public information. Any person having any objection or suggestion with respect to the proposed modifications may send his objection or suggestion in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, New Delhi within a period of 30 days from the date of this notice. The person making the objection or suggestion should also give his name and address.

Modification

(1) "An area measuring about 4.46 hect. (13.5 acres) earmarked in the Master Plan/zonal plan as commercial for warehousing, storage, depots and mineral piding sorrounded by 45.72 mts (150 ft.) wide Master Plan Road in the north (as per new alignment due to the site feasibility), Mathura Road 45.72 mtrs. (150 ft.) in the East, industrial area in the south and the Railway Line in the west is proposed to be changed to Industrial use (Light manufacturing)"

(2) "An area measuring about 2.8 hect. (about 7 acs.) located near Feroz Shah Kotla monuments and earmarked as recreational and historical monuments in the Master Plan/Zonal Plan is proposed to be charged to Residential".

The plans indicating the proposed modifications will be available for inspection at the office of the Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi on all working days except Saturday within the period referred to above.

[No. F.16(55)/70-MP.]

H. N. FOTEDAR, Secy.

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 26 फरवरी 1972

एस० ओ० 744.—केन्द्रीय सरकार दिल्ली मास्टर प्लान में नीचे लिखे संशोधन करने का विचार कर रही है, उन्हें जनता की

जानकारी के लिये प्रकाशित किया जा रहा है। इस संशोधन के संबंध में यदि किसी व्यक्ति को आपत्ति या सुझाव देना हो तो वे अपने आपत्ति और सुझाव इस आपन के 30 दिन के भीतर दिल्ली विकास प्राधिकरण के सचिव, दिल्ली विकास भवन, नई दिल्ली के पास लिख कर भेज सकते हैं। जो व्यक्ति अपनी आपत्ति या सुझाव दें वे अपना नाम तथा पूरा पता भी दें

संशोधन

- (1) "लगभग 4-46 हैक्टर (13.5 एकड़) का क्षेत्र मास्टर प्लान/जोनल प्लान में बेयरहाउसिंग, गोदाम, डिपो तथा खनिज पदार्थ के स्थान के लिये व्यवसायिक निर्दिष्ट हैं। इसके उत्तर में 45.72 मीटर (150') चौड़ी मास्टर प्लान रोड है (स्थान के नये अलाइमेंट के अनुसार) पूर्व में 45.72 मीटर (150') चौड़ी मथुरा रोड, दक्षिण में औद्योगिक क्षेत्र तथा पश्चिम में रेलवे लाइन है। इस क्षेत्र को अब औद्योगिक उपयोग (इन्डस्ट्रियल यूज) (लघु उद्योग) में परिवर्तन करने का प्रस्ताव है।
- (2) "फिरोजशाह कोटला स्मारक के निकट 2.8 हैक्टर (लगभग 7 एकड़) क्षेत्र को मास्टर प्लान/जोनल प्लान में मनोरंजन तथा ऐतिहासिक स्मारकों के लिये निर्दिष्ट किया गया था अब उसे क्षेत्र को आवासीय प्रयोग में परिवर्तन करने का प्रस्ताव है।"

शनिवार को छोड़कर और किसी भी कार्यशील दिन में दिल्ली विकास प्राधिकरण के कार्यालय विकास भवन, इन्द्रप्रस्थ इस्टेट, नई दिल्ली-1 में उक्त अवधि में आकर संशोधन के मानचित्रों का निरीक्षण किया जा सकता है।

[सं० एफ० 16(55) 70-एम०पी०]

एच० एन० फोतेदार, सचिव।

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

ORDERS

STAMPS

New Delhi, the 26th February 1972

S.O. 745.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the City and Industrial Development Corporation of Maharashtra Limited, Bombay, to pay consolidated stamp duty of nine lakhs, six thousand, one hundred and twenty-seven rupees and fifty paise, chargeable on the debentures of the value of twelve crores, eight lakhs and seventeen thousand rupees, under the said Act.

[No. 5/72-Stamp/F. No. 471/7/72-Cus.VII.]

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

आदेश

स्टाम्प

नई दिल्ली, 26 फरवरी, 1972

एस० ओ० 745.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार सिटी एण्ड इन्डस्ट्रियल डवलपमेंट कारपोरेशन आफ महाराष्ट्र लिमिटेड बम्बई को, उक्त अधिनियम के अधीन, बारह करोड़, आठ लाख, सत्रह हजार रुपये के मूल्य के डिबेंचरों पर प्रभार्य, नौ लाख, छः हजार, एक सौ सत्ताईस रुपये पचास पैसे की समेकित स्टाम्प शुल्क का संदाय करने के लिए, एतद्वारा अनुज्ञा देती है।

[सं० 5/72-स्टाम्प/फा० सं० 471/7/72-सीमा० VII]

S.O. 746.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the State Industrial and Investment Corporation of Maharashtra Limited, Bombay, to pay consolidated stamp duty of two lakhs, forty-seven thousand and five hundred rupees, chargeable on the debentures, of the value of three crores and thirty lakhs rupees, under the said Act.

[No. 6/72-Stamp/F. No. 471/11/72-Cus. VII.]

K. SANKARARAMAN, Under Secy.

एस० ओ० 746.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, स्टेट इन्डस्ट्रियल एण्ड इन्वेस्टमेंट कारपोरेशन आफ महाराष्ट्र लिमिटेड, बम्बई को, उक्त अधिनियम के अधीन, तीन करोड़ तीस लाख रुपये के मूल्य के डिबेंचरों पर प्रभार्य, दो लाख, सत्ताईस हजार, पांच सौ रुपये की समेकित स्टाम्प शुल्क का संदाय करने के लिए, एतद्वारा अनुज्ञा देती है।

[सं० 6/72-स्टाम्प/फा० सं० 471/11/72-सीमा० VII]

के० शंकररामन, अवर सचिव।

ERRATA

S.O. 747.—In the Notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Office of the Treasurer of Charitable Endowments for India) No F. 1/1/71-TCE, dated the 15th June, 1971 published as S.O. 5140 in the Gazette of India, Part II, Section 3(ii) dated the 13th November, 1971 at pages 6061 to 6095.

pages 6061 to 6095.

(i) Insert the word 'NOTIFICATION' above 'New Delhi, the 15th June, 1971.

(ii) Read 'as' for 'so' in line 1 against S.O. 5140

Page 6062—

Case No. 1, Column 6, line 17 read "328" for "328;"

Page 6064—

(i) Case No. 3, Column 6, item 2, line 1 read 'Llnlithgo' for 'Llnpithgo'

(ii) Case No. 4, Column 8, read 'Do' for ""

(iii) Maharashtra-Case No. 1, Column 8, insert the word 'Do' against the words Not known in Column 7.

Page 6066—

Case No. 10 Column 6 (i) line 7, read 'messuages' for 'messages'

(ii) Line 14, read 'Road' for 'Raod'

Page 6067—

Case No. 14, Column 6, (i) line 1, read 'Secondly' for 'Seondly'

(ii) line 2, read 'land' for '/and'

Page 6069—

Case No. 16, Column 5, line 2, read 'Jeeje'bhoy' for 'Jeejeebhoy'

Page 6070—

Case No. 17, Column 7 and 8, read 'Not known' for 'Do'

Pages 6072-73—

Case No. 3, column 11, line 2, read 'Development' for 'Develoment'

Case No. 4 (i) Column 6, read '(a1) 31,584.74' for '(AI) 1,31,584.7'

(ii) Column 10, insert '(d)' before the figure '55.00'

(iii) Column 11, para (d) (a) line 2, read 'after' for 'aftere'

(b) line 4, read 'Savings' for 'Servings'

Page 6074-75—

Case No. 11, Column 11, line 6, read 'of' for 'o'

Pages 6076-77—

Case No. 14, Column 6, read '(h3) 4,76,409.50' for '34,76,409.50'

Case No. 15, Column 11, line 4, read 'disposal' for 'disposa'

Case No. 16, Column 11, line 4, (i) read '1969' for '1967'

(ii) line 6, read '1970-75' for '1975'

Pages 6078-79—

Case No. 2, (i) Column 4, the figure against '5½% Loan 2000' read '1,40,300.00' for '1,40,300.000'

(ii) Column 11, line 11, para (n) read '59,135,78' for '59,135,78/-'

Case No. 3, Column 11, read '(R)' for '(o)' para 2

Case No. 4, (i) Column 7, read '(d) for '(p)' before the figure 14.84.

(ii) Column 9, read '(j)' for '(f)'

Case No. 6, Column 9, read '32.66' for '632.6' against interest remitted.

Pages 6080-81—

Case No. 10, Column 3, line 4, read 'B.I.T.' for 'B.L.T.'

Case No. 13, Column 2, line 1, read 'Province' for 'Provinc'

Case No. 14, Column 3, line 1, read 'Director' for 'Diretor'

Case No. 15, Column 9, insert '(q)' before the words 'Other Payments'.

Pages 6082-83—

Case No. 16, Column 11, para (x) line 5, read '27-8-71' for '27-8-7'

Case No. 18, Column 10, read '(ae)' for '(ac)'

Pages 6084-85—

Case No. 21 (i) Column 7, read '(af)' for '(aj)'

(ii) Column 10, read '(ah)' for '(ab)'.

Case No. 22 (i) Column 7, read '(aa)' for '(ae)'

(ii) Column 11, lines 1 and 2, read 'proceeds' for 'proceeds'

Case No. 23 (i) Column 3, lines 11 and 12, read 'Mahatma' for 'Mahama'

(ii) Column 4, read '3% Conversion Loan 1946 11,000.00' for '3% Conversion Loan 11,001.00'

(iii) Column 5, read '11,000.00' for '11,000.00'

Case No. 25, Column 3, line 4, read 'Asiatic' for 'Asiatic'

Case No. 26 (i) Column 3, line 1, read 'Secretary' for 'Secretry'

(ii) Column 4, read '7,000.00' for '2,000.00' against 4-3/4% Maharashtra Loan 1976 and '2,000.00' for '7,000.00' against 4-3/4% Madras Loan 1976

(iii) Column 6, read '98,262.71' for '98,262.7'

(iv) Column 10 read '(ee)' for '(ec)'

Pages 6086-87—

Column 11, line 16, read '5-3/4%' for '5½ per cent'

Pages 6088-87—

Case No. 4, Column 11, line 7 read '(w)' for '(iv)'

MADHYA PRADESH—Case No. 2, Column 2, line 1, read 'Berar' for 'Bearer'.

Pages 6092-93—

(i) Case No. 10, Column 2, line 2, read 'Trust' for 'Trus'.

(ii) Case No. 11, Column 7, insert '(a)' against the figure '785.00'.

Pages 6094-95—

Case No. 16, Column 6, read '3,198.00' for '3,193.00'

शुद्धि-पत्र

वित्त मंत्रालय के आर्थिक कार्य विभाग के भारतीय पूर्ति अक्षय निधि के कोषपाल के कार्यालय की दिनांक 15 जून 1971 की अधिसूचना संख्या 1/1/71-टी० सी० ई० का शुद्धि-पत्र जो 13 नवम्बर 1971 के भारत के राजपत्र के भाग II खण्ड 3(ii) की का० आ० 5140 के अन्तर्गत पृष्ठ संख्या 6096 से 6211 पर प्रकाशित की गई थी।

पृष्ठ संख्या	क्रम संख्या	स्तम्भ संख्या	अशुद्ध	शुद्ध
(1)	(2)	(3)	(4)	(5)
6096	.	पहली	पंक्ति	पूर्व अक्षय
6125	.	4	33 584.74	53,584.74
6125	.	4	(ख) अन्य भुगतान	(ग) अन्य भुगतान
6127	.	6	7019-75	1970-75
6128	.	क्रम संख्या 7 के नीचे स्तम्भ 1 से 6 के अन्तर्गत दिया गया विवरण स्तम्भ 7 से 11 के नीचे पढ़ें।		
6132	.	10	3 प्रतिशत रूपान्तरण ऋण	3 प्रतिशत रूपान्तरण ऋण 1946
6138	.	13	(ज) अन्य भुगतान	(ज 1) अन्य भुगतान
6141	.	14	सशस्त्र सेना पुनर्निर्माण	सशस्त्र सेना पुनर्निर्माण की सामान्य समिति
6147	.	2	5 और 6 में 12,20,800.00 और 34,923.00 भी पढ़ें। तथा इसके नीचे के 1,40,300.00 और 34,923.00 काट दें।	
6152	.	5	680.00	1680.00
6155	.	9	16,100.00	46,100.00
6159	.	16	1,200.00	11,100.00
6160	.	16 (छ)	दिया गया ब्याज (म) अन्य भुगतान	(म) दिया गया ब्याज (ज) अन्य भुगतान
6166	.	18	4½ प्रतिशत ऋण 1973	4½ प्रतिशत ऋण 1973
6166	.	19	160.00	1,600.00
6169	.	20	दिया गया ब्याज— 269.70	29.70
			सरकार को दी गई कीस—3.30	0.30

(1)	(2)	(3)	(4)	(5)
6169	.	21	8	23,865.60
6169	.	22	10	500.00
7173	.	26	10	1,670.50
6181	.	1	6	69,285.14
6182	.	1	(ज ज) 8	69,596.12
6183	.	3	5,6	4½ प्रतिशत मद्रास ऋण 1974 के सामने के 35,600.00 और 1,052.25 के अक्रिडे काट दीजिये।
6183	.	3	5,6	4½ प्रतिशत मद्रास ऋण 1980 : इसके सामने 5वे और छठे स्तम्भ में 35,600.00 और 1,179.25 पढ़ें।
6184	.	3	11	1913.28
6186	.	4	11	41 प्रतिशत
6192	.	2	8	15,482.00
6205	.	11	7	6,913.00
6208	.	15	7	6,328.94

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 3rd February 1972

S.O. 747.—In pursuance of clauses (c) and (d) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri D. P. Chakrabarty, Messrs. Andrew Yule and Company Limited 23 N/1, Diamond Harbour Road, N.R. Avenue—New Alipur and Shri Bibhas Ghosh, Rabindra Nath Road, Post Office Gondalpara, Chandannagar as members of the Regional Committee for the State of West Bengal and makes the following further amendments in the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1278 dated the 20th June, 1953, namely:—

In the said notification,

(i) for entry (4), the following entry shall be substituted, namely:—

“(4) Shri D. P. Chakrabarty, Messrs. Andrew Yule and Company Limited, 23 N/1, Diamond Harbour Road, N.R. Avenue—New Alipur, Calcutta-53.”

(ii) for entry (8), the following entry shall be substituted, namely:—

“(8) Shri Bibhas Ghosh, Rabindra Nath Road, Post Office Gondalpara, Chandannagar.”

[No. 12/6/64/PF-II.]

भ्रम और पुनर्वास मंत्रालय

(भ्रम और रोजगार विभाग)

नई दिल्ली, 3 फरवरी 1972

का० प्रा० 747.—कर्मचारी भविष्य निधि स्कीम, 1952 के अनुच्छेद 4 के उप-अनुच्छेद (1) के खण्ड (ग) और (घ) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री डी० पी० चक्रवर्ती मेसर्स एंड्रयू यूल एण्ड कम्पनी लिमिटेड, 23एन/1, डायमण्ड हार्बर

रोड, एन० आर० एवेन्यू—न्यू अलीपुर और श्री विभास घोष, रविन्द्र नाथ रोड, डाकघर गोंडलपारा, चन्दननगर को पश्चिम बंगाल राज्य के लिए क्षेत्रीय समिति के सदस्यों के रूप में नियुक्त करती है और भारत सरकार के भूतपूर्व भ्रम मंत्रालय की अधिसूचना सख्या का० वि० प्रा० 1278 दिनांक 20 जून 1953 में और आगे निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में,

(i) प्रविष्टि (4) के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् —

“(4) श्री डी० पी० चक्रवर्ती, मेसर्स एंड्रयू यूल एण्ड कम्पनी लिमिटेड, 23 एन/1, डायमण्ड हार्बर रोड, एन० आर० एवेन्यू—न्यू अलीपुर, कलकत्ता-53”

(ii) प्रविष्टि (8) के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्:—

“(8) श्री विभास घोष, रविन्द्र नाथ रोड, डाकघर गोंडलपारा, चन्दननगर”

[सं० 12(6)/64-पी०एफ० 2]

New Delhi, the 15th February 1972

S.O. 748.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 22 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints the Regional Provident Fund Commissioner, Delhi as the Secretary of the Regional Committee for the Union Territory of Delhi set up under the Notification of the Government of India in

the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3450 dated the 16th August, 1971, published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 18th September, 1971.

[No. PF.II.10(3)/59.]

नई दिल्ली, 15 फरवरी, 1972

का० आ० 748.—कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 22 के उपपरा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा प्रादेशिक भविष्य निधि आयुक्त, दिल्ली को भारत के राजपत्र तारीख 18 सितम्बर, 1971 भाग 2, खण्ड 3(ii) में प्रकाशित भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 3450 तारीख 16 अगस्त, 1971 के अन्तर्गत स्थापित दिल्ली संघ राज्य क्षत्त के लिए प्रादेशिक समिति का सचिव नियुक्त करती है।

[सं० पी० एफ० II-10(3)/59.]

New Delhi, the 18th February 1972

S.O. 749.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th day of February, 1972, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Maharashtra, namely:—

1. The Municipal limits of Ballarpur in Taluka and District Chandrapur;
2. The Revenue Survey Nos. 28, 44, 45, 46, 47, 48, and 49 of Ballarpur in Taluka and District Chandrapur;
3. The Revenue Survey Nos. 305/LKH, 309 and 310 of village Visapur in Taluka and District Chandrapur.

[No. F. S. 38013(2)/72-HI.]
DALJIT SINGH, Under Secy.

नई दिल्ली, 18 फरवरी 1972

का० आ० 749.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा फरवरी 1972 के सत्ताईसवें दिन को उस तारीख के रूप में नियत करती है जिनको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं) के उपबंध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त हो अर्थात् :—

1. चन्द्रपुर तालुक और जिले में बल्लारपुर की नगरपालिका सीमाएं ;
2. चन्द्रपुर तालुक और जिले में बल्लारपुर के राजस्व सर्वेक्षण संख्या 28, 44, 45, 46, 47, 48, और 49.

3. चन्द्रपुर तालुक और जिले में विसापुर ग्राम के राजस्व सर्वेक्षण संख्या 305/एल० के० एच० 309 और 310.

[संख्या फा० एस० 380 13/2/72-एच० आई०]

दलजीत सिंह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 3rd February 1972

S.O. 750.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Therapeutics Chemical Research Corporation, Margao and their workmen, which was received by the Central Government on the 28th January, 1971.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 2, BOMBAY

REFERENCE No. CGIT-2/7 OF 1971

Employers in relation to the Management of Messrs. Therapeutics Chemical Research Corporation, Margao
AND

Their Workmen

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employer.—Shri Trifonie Jaques, Advocate.

For the Workman.—Shri S. D. Pawoskar, Advocate.

INDUSTRY: Ports and Docks STATE: Goa, Daman Diu

Bombay, dated the 12th January, 1972.

AWARD

By order No. L-36011/1/71-P&D dated 28th October, 1971 the Central Government in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of Messrs Therapeutics Chemical Research Corporation, Margao and their workman in respect of the matters specified in the Schedule as mentioned below:—

"SCHEDULE

Whether the action of the management of Messrs Therapeutics Chemical Research Corporation, Margao in terminating the services of their workman Shri Sheikh Mohideen, Assistant Sampler, with effect from 23rd February, 1970, is justified? If not, to what relief is the workman entitled?"

2. On receipt of this reference notices were issued to the parties concerned. In pursuance of this, both the parties have submitted their written statement after obtaining adjournment.

3. On 4th December, 1971, the Manager on behalf of Messrs Therapeutics Chemical Research Corporation, Margao (hereinafter referred to as 'Corporation') has filed its written statement at Ex. 1/E.

4. According to the Corporation:

(i) The employee in the matter was working from 1967 to 1970, February, in the Corporation.

- (ii) The employee in question throughout his period of service was very irregular in his duties and therefore several oral warnings were given to the employee.
 - (iii) On 21st February, 1970 the employee was asked to proceed to Sanvordem, the place where the samples were to be examined and crushing was to be carried out. But the employee without giving any reason refused to proceed to the place and thereby he was asked to report at Margao Office the very next day, but again he failed to do so.
 - (iv) The employee knew fully well that there were no spare samplers and in spite of bringing this fact to his notice he deliberately and abusively disobeyed the orders given to him, thus causing loss and inconveniences to the Corporation.
 - (v) The employee had also taken a seal from the office and kept it in his custody, without giving an explanation. When he was asked to produce the seal he failed to do so and gave some lame excuses. In doing this he put the management into hardships.
 - (vi) In the above mentioned circumstances, the management was left with no alternative but to terminate his services.
5. The employee, Shri Sheik Mohideen has filed his written statement at Ex. 2/W.

6. According to him :—

- (i) The Officer-in-Charge of the Vasco-da-Gama office of the Corporation directed him on 22nd February, 1970 (correct date should be 21st February, 1970), to go to Sanvordem and Betul for attending to Shipment crusher work and offered him a sum of Rs. 10 to meet his travelling and daily expenses. He represented to the said officer that the sum of Rs. 10 would be quite inadequate and it would not be possible for him to go to Sanvordem and Betul with a mere sum of Rs. 10. It was further represented to him that he would have to remain for some days in those places to attend to the said work. He did not refuse to go to the places as directed by the Vasco-da-gama-in-charge. On the contrary, he requested to pay him adequate advance for travelling allowance.
 - (ii) The management on the next day by its letter dated 23rd February, 1970 abruptly and illegally terminated his service on the ground of misconduct alleged to have been committed by him in refusing to go to Sanvordem and Betul as directed by the Vasco da Gama-in-Charge.
 - (iii) The management resorted to illegal and arbitrary termination of his services depriving him of his means of livelihood. He has remained unemployed and is depending on the meagre earnings of his brother.
 - (iv) He was not informed either in writing or orally of the alleged misconduct. He was not given any opportunity to explain the circumstances alleged against him. No domestic enquiry was held against him for investigating the alleged misconduct in accordance with the rules of natural justice. The management adopted an arbitrary procedure in terminating his services abruptly. This abrupt termination of his services is in flagrant violation of principles of natural justice. He has been deliberately deprived of a fair opportunity to make his defence which in all fairness he was entitled to. The management did not act in good faith. Its action is mala fide.
 - (v) He protested against his illegal and arbitrary dismissal from service and raised an industrial dispute before the Asstt. Labour Commissioner (C), Vasco-da-Gama. Ultimately this dispute was referred to this Tribunal by the Government. His termination of services by the management be held illegal and he be reinstated with continuity of service and full back wages.
7. On the date of hearing Shri Sheikh Mohideen has given evidence at Ex. 3/W and produced the dismissal letter dated 23rd February, 1970 at Ex. 4/W.
8. Shri A. D. Patel, Manager of the Corporation has given evidence on behalf of the corporation at Ex. 6/E and Shri P. A. Lotlikar has been examined as an additional witness on behalf of the corporation Ex. 11/E. 5 documents have been produced on behalf of the Corporation. They are Exhibits 5/E, 7/E to 10/E.
9. From the pleadings and arguments advanced before me, the following points arise for decision in this reference.
- (i) Whether the Corporation can be allowed to raise the dispute regarding jurisdiction raised for the first time at the time of arguments?
 - (ii) Whether the action of the Corporation in terminating the services of Shri Sheikh Mohideen Asstt. Sampler with effect from 23rd February, 1970 is justified?
 - (iii) To what relief is the workman entitled?
 - (iv) What order?
10. My findings are as follows :—
- (i) No.
 - (ii) No.
 - (iii) The employee is entitled to reinstatement in Service with immediate effect with continuity of service and full back wages.
 - (iv) As per order.

Reasons

Point No. I.

11. The learned Advocate Shri T. G. Jaques appearing on behalf of the Corporation contends for the first time at the time of arguments that there is no industrial dispute in this case because the employee did not raise the dispute with the management first and that on account of this, this Tribunal has no jurisdiction to entertain this reference.

12. It is interesting to note that in the written statement filed by the Corporation on 4th December, 1971 at Ex. E/E, it has not taken a specific stand that the employee had not made the demand regarding his reinstatement with continuity of service and back wages challenging his termination of service on the management in the first instant and that on account of this there is no industrial dispute in this case and that this Tribunal has no jurisdiction to entertain the reference. Even on the date of hearing of the reference the Corporation has not given any application for amending the written statement for allowing it to take this contention.

13. The employee Shri Mohideen Ex. 3/W gave his evidence on 5th January, 1972 before me at Panaji. On that day his cross-examination was adjourned till 6th January, 1972. The learned advocate cross-examined this employee in detail on 6th January, 1972. He did not ask any question to the employee as to whether after his termination of service by the Corporation with effect from 23rd February, 1970 he had made any representation to the management making grievances about termination of his services and for reinstating him in service before going to the Conciliation Officer. The Manager Shri A. D. Patel of the Corporation gave his evidence on the same day. He has nowhere said in his evidence that the employee had not made any representation to the management

regarding termination of service before raising the dispute before the conciliation officer. It is only for the first time at the time of arguing the case, the learned advocate Shri Jaques for the Corporation raised the objection regarding jurisdiction of this Tribunal. As his objection regarding jurisdiction of this Tribunal raised for the first time at the time of argument involves the mixed question of fact and law, it cannot be allowed to be raised at this stage. I, therefore, disallow this objection and record my finding on this point as mentioned above.

Point No. ii.

14. The employee Shri Mohideen's services were terminated with effect from 23rd February, 1970 by the Manager Shri A. D. Patel by his letter No. TCRC/128/450 dated 23rd February, 1970, produced at Ex. 4/W. This letter is as follows:—

"Mr. Shaikh Mohidin,
Vasco-de-Gama,
Goa.

Dear Sir,

We have been informed by our Vasco-in-charge, that you refused to proceed to Sanvordem and Betul for attending to the shipment crushing work. Under these circumstances, we regret to inform you that we are left with no alternative but to terminate your services with immediate effect.

You may come to Margao Office and clear your accounts."

15. Shri A. D. Patel, Manager of the Corporation Ex. 6/E passed the above mentioned order on the receipt of report dated 21st February, 1970, Ex. 10/E from the Vasco-de-Gama office of the Corporation. That report is as follows:—

"The Manager,
TCR Corporation,
Margao,

Dear Sir,

State you that Mr. Sundereswaran given two Steamers s/s. 'ANEMONE' and s/s 'SEVERO DONESK' and also given two letter with Mr. Antonio about the steamers and he told to phone you today night about 9 to 10 O'clock. He is trying to give one more steamer, therefore without fail you please phone today night. You send the word with Mr. Antonio to send Mr. D. R. Dabolkar to Betul but he is working for day shift for s/s 'HOKOMARU' and for night shift Mr. A. D'Mello. Today I have sent Mr. S. Belgankar to Khajan for shipment of s/s 'WORLD NOMAD' and Mr. A. H. Naik is sent at Durbhat for the shipment of s/s 'WORLD NOMAD'. Today I have told Mr. Shaikh Mohidin to go to Sanvordem on crushing work but he refused to go. Then I have told him that if you are not going then you may report at Margao office on 23rd Morning. I have got no spare samplers except Mr. Rajesh Kumar and he is also attending the sampling of D/wagon from Saslu, Londa, Harihar etc. at VSG plot. Mr. Meeinkar also have not come upto today.

This is for your information. Mr. Nagvenkar told me today that settle his account upto 28th February and we have also not given any letter of this respect, otherwise he will demand this month salary also. Therefore if you do not want then send his terminate order from 23rd February and handover to Mr. Shaikh Hussan otherwise you would have to give him full month salary and also one month notice pay.

This is for your kind information and necessary action.

Thanking you,

Sd/-
Your faithfully,

For T.C.R. Corporation, Vasco."

16. On the admission of Shri Patel, Ex. 6/E, he did not call for any explanation from Shri Shaikh Mohideen after the receipt of the report Ex. 10/E dated 21st February, 1970 from Shri Dabolkar. He did not frame any chargesheet on the basis of this report and send it to the employee concerned. He did not fix any date of enquiry, intimating the same to the employee in question in writing. Without hearing him and giving him opportunity to submit his say, he straightaway passed the dismissal order in consultation with Shri Dabolkar.

17. There can be therefore no doubt that in this case the employee's services were terminated without holding any enquiry and following the principles of natural justice. Hence the termination or services of Shri Sheikh Mohideen by the Corporation is not legal and justified.

18. The learned advocate Shri Jaques for the corporation contends that when there is no enquiry, it is for this Tribunal to decide the case on merit, on evidence before it. The learned Advocate Shri Pawoskar concedes that the employee's case can be considered on evidence and material before this Tribunal. Hence this Tribunal has to find out whether the termination of services of the employee on evidence on record is justified.

19. From the termination order Ex. 4/W, it is clear that the corporation terminated the services of the employee because he refused to proceed to Sanvordem and Betul for attending to the shipment crushing work. The corporation is however trying to make out a case against the employee on the grounds viz. (i) Throughout the tenure of the employee he was very irregular in attending his duties. Several oral warnings were given to him in this respect, (ii) Refused to proceed to Sanvordem and Betul for carrying out corporation's work. (iii) Failure to return the seal of the Corporation.

20. As regards the non-return of the seal by the employee the employee Shri Mohideen Ex. 3/W says as follows:—

"It is not true that I have taken a seal from the office and kept in my custody. It is not true that I had kept the seal and that I refused to return it when asked to do so.

The seal used to be given to us for carrying out the work of crushing. After the crushing work used to be over, the seal used to be returned to the office alongwith report.

The Corporation was saying that one seal from the office was missing. In the first place the Corporation was saying that seal was taken away by Shri Nagaukar who had resigned his post. When my services were terminated, the corporation began to say that the same seal was taken away by me. I informed the company in writing that there was no seal with me."

21. The Corporation has produced a writing given by Shri Sheikh Mohideen on 9th July 1971 at Ex. 5/E. It is as follows:—

"The Manager,
T.C.R. Corpn.,
Margao,
Sir,

This is to inform you that I have already handed over company seal to Shri A. R. Dabholkar (incharge) on 19th February, 1970.

Thanking you,"

22. From the evidence of the employee and his writing Ex. 5/E I find that the employee had returned the seal on 19th February, 1970. There could not have been any question of taking away a seal with him on 21st February, 1970 because he had not gone to Sanvordem and Betul for doing crushing work. If this employee would have taken a seal with him

and not returned the same to Shri Dabholkar immediately, Shri Dabholkar would have made immediate report to the Head Office that this employee had failed to return the seal. No such report from Shri Dabholkar in respect of seal having been taken away by Shri Sheikh Mohideen and not returned by him is on record.

23. Admittedly Shri A. D. Patel is the Manager at the Head Office of the Corporation for the last 10 years. He was not sitting at Vasco-da-Gama office. It is Shri Dabholkar who was in charge at Vasco-da-Gama office. Shri Patel cannot have personal knowledge about the seal. There is no one from the Vasco-da-Gama office who has been examined and who says that the employee Shri Sheikh Mohideen had taken away the seal on 21st February, 1970 or thereabout. In the absence of such evidence and in view of the fact that this particular accusation was not referred while making the report to the Corporation's head office on 21st February, 1970 by Shri Dabholkar, it is to be inferred that this accusation about non-return of the seal by the employee cannot be held established on evidence before me.

24. As regards irregular attendance of the employee during his period of service in the Corporation, the Corporation relies on documents Exhibits 7/E to 9/E.

25. Ex. 7/E is as follows:—

7th January, 1970.

"To

T.C.R. Corporation,
Vasco (Office).

Dear Sir,

I have to bring to your kind attention that Mr. Shaikh Mohidin is not coming on duty since 4th inst. till now. He has not either informed me nor sent any note to the office, when there is heavy work he used to continue the same as above mentioned, so please investigate through this matter and do the needful.

Thanking you

Yours faithfully,

Sd/-

For T.C.R. Corporation."

26. What the above mentioned Exhibit says is that Shri Mohidin was not attending the office since 4th instant. It does not speak about his irregular attendance but it speaks about his absence from duty without permission. This document does not therefore support the allegation that he was irregular in attending duties.

27. Ex. 8/E is as follows:—

18th June, 1969.

"To

M/s. T.C.R. Corporation,
Vasco-da-Gama.

Mr. Shaikh Mohidin,

I bring to your kind notice that yesterday I have entered in peon book six samples and two letters to deliver to M.M.T.C. but you have clearly refused to take it with the book. And you have not gone to deliver the same.

Your written explanation should be required within 48 hours receipt of this letter failing which *ex-parte* will be taken according to the company's rules and regulations.

Yours faithfully,
for T.C.R. Corporation,
Sd/-"

28. What the above mentioned documents mention is that the employee refused to take peon book and deliver six samples and two letters to a particular party. It was not speak about his irregular attendance.

29. Ex. 9/E is as follows:—

18th June, 1969.

"To

M/s. T.C.R. Corporation,
Vasco-da-Gama,
Mr. Shaikh Mohidin,

I bring to your kind notice that according to the Manager instruction you should report for duty from 08.00 to 12.00 hrs. and 13.00 to 17.00 hrs. which please note.

Yours faithfully,
For T.C.R. Corporation
Sd/-"

30. By this document manager's instructions were conveyed to the employee asking him to report for duty from 08.00 hours to 12.00 hours and 13.00 hours to 17.00 hours. It may be that duty hours might have been changed. But it nowhere mentions that the employee was irregular in attending duties and that he should attend regularly.

31. Admittedly Shri Patel has no personal knowledge about the attendance of the employee in Vasco-da-Gama office. There is no person from the Vasco-da-Gama office who has come before this Tribunal to say that this employee was attending office irregularly. On the other hand, the employee Shri Mohideen states on oath in his evidence Ex. 3/W that he was attending the duties regularly and that he was not given oral warnings during the period of his service with the corporation for being irregular in attending work. I see no reason to disbelieve him. He has impressed me as a witness of truth. I am satisfied from his evidence that he was attending his duties regularly. Hence the accusation against him that he was irregular in attendance during his service with the Corporation cannot be said to have been established.

32. As regards the employee's refusal to go to Sanvardem and Betul on 21st February, 1970, his case is that he did not go to Sanvardem and Betul on that day for carrying out the work because the advance of Rs. 10/- given to him was quite inadequate and insufficient. There seems to be much justification in what he is saying.

33. Shri Sheikh Mohideen in his evidence says, that the distance between Harbour and Sanvardem is 60 Kms, the distance between Sanvardem to Betul is about 30 Kms, and Betul to Harbour about 55 Kms. His evidence also shows that he has to spend Rs. 2.50 per meal and additional amount for tea.

34. On the admission of the Manager Ex. 6/E the Taxi fare from Vasco to Sanvardem is about Rs. 4 to 5 that there is no train for Betul, and that one has to go to Betul either by Taxi or bus. Considering the admission given by the Manager and the evidence of the employee before me I find that it would not have been possible for the employee to go to Sanvardem and Betul for work and return to his place with Rs. 10/-.

35. Attempt is made on behalf of the Corporation to show that if the advance was insufficient, he could have taken the advance from the Head Office or from the place of work and that the parties at Betul were giving meals to the workers and that on account of this there was no reason for the employee to refuse to go to this places. Shri Mohideen says in his evidence that the Head office does not give money. Apart from the fact whether the head office or the branch office of the corporation as the place of work would have given addition amount, or not the fact remains that amount of Rs. 10/- offered to be given to the employee for going to Sanvardem and Betul for carrying out the work and return to Vasco-da-Gama was not sufficient. I am therefore of the view that

there was justification for the employee to refuse to go to Sanvarem and Betul on that day.

36. The Corporation alleges that as the employee refused to go to Sanvarem and Betul on 21st February, 1970, he was asked to report at Margao office on the next day but he failed to report. Shri Sheikh Mohideen Ex. 3/W however says that he was not asked to report at Margao on the next day. He remained at Vasco-de-Gama office on 22nd February, 1970 and on 23rd February, 1970 he was given termination notice in the Vasco-de-Gama office.

37. In the report Ex. 10/E dated 21st February, 1970 made by Shri Dabholkar to the Manager of the Corporation it is mentioned that Shri Mohideen was asked to report on 23rd February, 1970. In view of this report the Corporation's allegations before me that he was asked to report on the second day i.e. 22nd February, 1970 cannot be believed. It was not possible for this employee to report at Margao on 23rd February, 1970 because on that day he was served with the termination order in Vasco-de-Gama office. In view of this I am unable to accept the Corporation's charge that the employee failed to report at Margao office on 22nd February, 1970 and disobeyed the orders of his superior.

38. In short it will be clear that all the 3 allegations made by the Corporation against the employee and sought to be proved on evidence and material before me are not proved. It cannot be therefore said that the termination of services of the employee on the ground of his disobedience of the orders of his superior was in any way justified. Hence my finding on point No. ii is as above.

Point No. iii.

39. As the termination of the services of the employee Shri Sheikh Mohideen is not justified, he is entitled to reinstatement in service with immediate effect.

40. Shri Sheikh Mohideen's written statement Ex. 2/W is clearly shows that he has remained unemployed since the date of termination of his services by the Corporation. The Corporation has not denied this fact. I therefore accept the same.

41. As Shri Sheikh Mohideen remained unemployed from the date of termination of his services till the date of reinstatement, he is entitled to get full back wages from the date of termination till the date of his reinstatement.

42. As Shri Sheikh Mohideen's termination was illegal and unjustified he is also entitled to continuity of service. In short, I hold that Shri Sheikh Mohideen is entitled to reinstatement in service with immediate effect with continuity of service and full back wages from the date of termination of his services till the date of his reinstatement. Hence my finding on this point is as above.

Point No. iv

43. In the end I pass the following order:—

ORDER

- (i) It is hereby declared that the action of the management of Messrs. Therapeutics Chemical Research Corporation, Margao in terminating the services of their workman, Shri Sheikh Mohideen, with effect from 23rd February, 1970 is not justified and that he is entitled to reinstatement with immediate effect with continuity of service and full back wages.
- (ii) The Corporation is directed to reinstate the employee Shri Sheikh Mohideen in his original post with immediate effect with continuity of service and full back wages.

(iii) Award is made accordingly.

(iv) Parties to bear their own costs.

Sd/-

(Sd.) N. K. VANT,

Presiding Officer,
Central Government Industrial Tribunal
No. 2, Bombay.

[No. L-36011/1/71-P&D.]

New Delhi, the 11th February 1972

S.O. 751.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of Messrs M. Sheriff and Sons, Madras and their workmen, which was received by the Central Government on the 29th January, 1971.

BEFORE THIRU K. SEETHARAMA RAO, B.A., B.L.,
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
MADRAS

(Constituted by the Central Government)

Tuesday, the 21st day of December, 1971.

INDUSTRIAL DISPUTE NO. 48 OF 1971.

(In the matter of the dispute for adjudication under section 10(2) of the Industrial Disputes Act, 1947 between the workmen and the Management of M/s. M. Sheriff and Sons, Madras.)

BETWEEN

The General Secretary, State Labour Union, Room No. 8, 220/221, Wall Tax Road, Madras-3.

AND

M/s. Sheriff and Sons, 34, Second Line Branch Beach, Madras-1.

REFERENCE:

Order No. L33011/5/71-P&D dated 17th July, 1971 of the Ministry of Labour and Rehabilitation, Department of Labour & Employment, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday the 2nd day of December, 1971, upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru V. C. Ramaswamy, Secretary of the Union and of Thiru R. Gopalan, advocate appearing for the Management and having stood over till this day for consideration, this Tribunal made the following.

AWARD

The issue for consideration is what is set out by the Government of India, as follows, in its order dated 17th July, 1971:—

"Whether the termination of the services of Shri Hussainy Basha, Shipping Clerk of Messrs. Sheriff and Sons, 34, Second Line Beach, Madras-1, with effect from the 2nd January, 1971, was justified? If not, to what relief is he entitled?"

(2) Worker Hussainy Basha contended that he was the Shipping Clerk from 1958 in Messrs. M. Sheriff and Sons. He was discharged from 4th January, 1971 from service. His last salary paid was Rs. 140/- per month. His services were illegally terminated.

(3) The Management contended, that the claimant, out of his own free will, had resigned his job. He wrote the letter resigning his job on 2nd January, 1971.

(4) The issue for consideration is about the mode of termination, that is, if the worker resigned out of his own free will, and, on that account, his services got terminated, surely, he is not entitled to any relief. On the contrary, if he did not resign, and yet his services were terminated, he is definitely entitled to re-instatement and back wages.

(5) The worker, who is W.W.1, denied that he ever wrote the letter in Ex. M-1. He denied that the signature in Ex. M-1(a) was his signature. He would say that his name is not spelt correctly in Ex. M-1(a). On 4th January, 1971, he had seen the Manager-Director-in-charge who was M.W.1, who told him that M.W.1. had no work to give to W.W.1, and that way, it is, that services of W.W.1 were terminated.

(6) The learned counsel for the Management wanted me to compare the writing in Ex. M-2 and Ex. M-3 with the writing in Ex. M-1, and the signature in Ex. M-1(a) (W.W.1 admitted that Ex. M-2 and Ex. M-3 had been written up by him).

(7) The learned counsel for the management also wanted me to compare Ex. M-1(a) signature with the admitted signatures of W.W.1 in Ex. M-8(a) to Ex. M-8(l) (W.W.1 admitted that the signatures in Ex. M-8(a) to Ex. M-8(l) were his signatures).

(8) I have carefully compared the two sets of signatures referred to in the previous paragraph, and I have no doubt, in my mind, that Ex. M-1(a) is the genuine signature of W.W.1.

(9) W.W.1 deposed that there were some difference in signatures. He would say that the only difference in signatures was that letters were separate in the signatures in Ex. M-8(a) to Ex. M-8(l), while letters were clubbed up in Ex. M-1(a) signature. The letter 'u', he would say, is differently written in Ex. M-1(a) when compared with that letter found written in Ex. M-2 and Ex. M-3. In my view, really there is no difference in signatures, and I find that actually, Ex. M-1(a) is the genuine signature of W.W.1.

(10) Apart from comparison of signatures, that I have made, in my view, the evidence of W.W.1 proves that he did resign his post. He admitted that his address was correctly set out in Ex. M-1. He never told any co-worker, that he was stopped from work or that he was sent away. W.W.1 admitted that the management had no motive or reason to send him away, as W.W.1 had no differences, whatever with the Management at any time. The above evidence should indicate that, on the face of it, M.W.1 had no motive or reason to terminate services of W.W.1 or to trump up any false resignation letter.

(11) W.W.1 further admitted that, though he was denied work from 4th January, 1971, he reported to his union only on 20th January, 1971, and never earlier. Under his instructions given to the Union Secretary, the letter in Ex. W-1 was prepared. Now Ex. W-1 reads that dues were not paid in full to W.W.1 and that, either dues were to be paid in full or, in the alternative, the worker had to be re-instated in service. In other words, on that date the letter in Ex. W-1 was issued, the worker was satisfied if wages and dues were paid, and not that he was insisting that the job was to be given back to him, which conduct does indicate that the worker was not very much interested, then, in his job, as such. I agree that there were some delay to reply to the letter in Ex. W-1, as is correctly written in Ex. W-2 letter. It is only in Ex. W-2 dated 15th February, 1971, that the demand, pure and simple, was made for reinstatement as such, that is no alternative demand is put forward at all in Ex. W-2 letter. The conciliation proceedings in Ex. W-3 are not very relevant. One finds that the issue about bonus was falsely raised in Ex. W-1, and, also, as before the conciliation officer. The fact is that bonus due had already been paid to this worker, during the month of *Ramzan*, as is truly spoken to by M.W.1.

(12) M.W.1 proved that this worker was absent from duty after 28th December, 1970, that is, on 29th December, 1970 and on 30th December, 1970, and on 31st December, 1970, the worker was absent. He was again absent on 2nd January, 1971. Now 3rd January, 1971, was a Sunday. The worker was paid his salary on 31st December, 1971. M.W.1 deposed that the entire writing in Ex. M-1 was the writing of W.W.1.

I agree that it is not written in Ex. M-1 that the resignation letter was accepted, but the definite evidence of M.W.1 is that the resignation letter in Ex. M-1 was accepted. The clerical error in Ex. M-4(a), the copy, in not typing the date 2nd January, 1971 is not material. I find that the worker was continuously absent from duty from 28th December, 1970, and that he actually resigned his post, out of his own free will, by signing the letter in Ex. M-1. I find that the above resignation was accepted, and that being so, the award is passed that the worker is not entitled to any relief.

Dated, this 21st day of December, 1971.

(Sd.) K. SEETHARAMA RAO,
Industrial Tribunal.

Witnesses Examined

For Workmen.

W.W.1—Thiru Hussani Basha

For Management :

M. W. 1—Thiru Sheriff Dyan, Partner.

Documents Marked

For Workmen :

W-1/25-1-71 . Letter from the union to the management about W.W. 1.

W-2/15-2-71 . Letter from the Union to the Regional Commissioner for Labour (Central), Madras requesting to direct the Management to take back W.W. 1 in service with full back wages.

W-3/2-6-71 . Conciliation failure report

W-4/23-2-71 . Conciliation notice issued to the parties by the Assistant Labour Commissioner (C), Madras-1.

For Management :

M-1/2-1-71 . Resignation letter by W.W. 1 to the Management.

M-1(a) . Signature of W.W. 1 in Ex. M-1.

M-2/9-6-70 . Debit slip for Rs. 1180-94 signed by W.W. 1.

M-3/9-6-70 . Debit slip for Rs. 4-75 signed by W.W. 1.

M-4/2-3-71 . Letter from the Management to the Union, about W.W. 1 Reply to Ex. W-1.

M-4(a)/— . Copy of Ex. M-1.

M-5/15-5-71 . Letter by the Management to the Regional Labour Commissioner (C) Madras regarding termination of services of W.W. 1.

M-6/- . Attendance Register for the month of December, 1970 (relevant page)

M-7/- . Attendance Register for the month of January 1971. (relevant page)

M-8/- . Signature of W.W. 1 in the Pay Register for having received salary for December, 1970.

M-8(a) . Signature of W.W. 1 in the Pay Register for having received salary for November, 1970.

M-8(b) . Signature of W.W. 1 in the Pay Register for having received salary for October, 1970.

M-8(c) . Do. Do. for September, 1970

M-8(d) . Do. Do. for August, 1970.

M-8(e) . Do. Do. for July, 1970.

M-8(f) . Do. Do. for June, 1970.

M-8(g) . Do. Do. for May, 1970.

M-8(h) . Do. Do. for April, 1970.

M-8(i) . Do. Do. for March, 1970.

M-8(j) . Do. Do. for February, 1970.

M-8(k) . Do. Do. for January, 1970.

(Sd.) K. SEETHARAMA RAO,
Industrial Tribunal.

NOTE : The parties are directed to take return of their document/documents within six months from the date of the award.

[No. L-33011/5/71-P&D.]

ORDER

New Delhi, the 11th February 1972

S.O. 752.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs F. C. R. Machado and Sons, Stevedores Vasco-da-Gama (Goa) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, No. 2, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Messrs F. C. R. Machado and Sons, Stevedores, Vasco-da-Gama is justified in not implementing the recommendations of Central Wage Board for Port and Dock Workers in respect of Shovel Keepers as accepted in resolution No. WB-21(7)/69, dated 28th March, 1970 of the Government of India with effect from the 1st January, 1969?

If not, to what relief are the workmen entitled?

[No. L. 36011/5/71-P&D.]

O. P. TALWAR, Dy. Secy.

(श्रम और रोजगार विभाग)

आदेश

नई दिल्ली, 11 फरवरी, 1972

का० आ० 752.—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स एफ० सी० आर० मचादों एण्ड सन्स, स्टीवडोर्स, वास्को-डा-गामा (गोवा) के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947, (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 2) बम्बई को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

क्या मैसर्स एफ० सी० आर० मचादों एण्ड सन्स, स्टीवडोर्स, वास्को-डा-गामा, (गोवा) के प्रबन्ध मंडल का पत्तन और डाक कर्मचारों के केन्द्रीय मजदूरी बोर्ड की सिफारिशों को बेलचादारों के लिए जैसा कि भारत सरकार के संकल्प सं० डब्ल्यू बी-21/69 तारीख 28 मार्च, 1970 में स्वीकृत किए गए हैं, पहली जनवरी,

1969 से लागू करना, न्यायोचित था ? यदि नहीं, तो कर्मकार किस अनुरोध का हकदार है ?

[सं. एल-36011/5/71-पी० एण्ड डी०]

ओ० पी० तलवार, उप सचिव ।

(Department of Labour and Employment)

New Delhi, the 8th February 1972

S.O. 753.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Newton Chickly Colliery of Messrs Newton Chickly Collieries Limited, Post Office Parasia, District Chhindwara (Madhya Pradesh), and their workmen, which was received by the Central Government on the 5th February, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT JABALPUR

Dated December 4, 1971

PRESENT:

Shri M. Chandra, Presiding Officer.

Case Ref. No. CGIT/LC (R)(28) of 1971.

PARTIES:

Employers in relation to the management of Newton Chickly Colliery of Messrs Newton Chickly Collieries Limited, Post Office Parasia, District Chhindwara (M.P.) and their workmen represented by M.P. Rashtriya Koyala Kamgar Sangh, P.O. Chandametta, Distt. Chhindwara (M.P.).

APPEARANCES:

For the employers—Shri S. B. Katiar, Personnel Officer.

For the workmen—Shri V. N. Dutta, General Secretary, M. P. Rashtriya Koyala Khadan Mazdoor Sangh.

INDUSTRY: Coal Mine DISTRICT: Chhindwara (M.P.)

ORDER/AWARD

The Central Government, by its order No. L/22011/9/71-LRII-(i) dated 8th October, 1971, referred under Sec. 10 of the Industrial Disputes Act the following dispute as given in the Schedule to the order of reference:—

SCHEDULE

1. "Whether the management of Newton Chickly Colliery belonging to Newton Chickly Collieries Limited, Post Office Parasia, District Chhindwara (Madhya Pradesh) is justified in paying bonus at the rate of 4 per cent only for the accounting year 1970? If not at what higher percentage the workmen are entitled to Bonus?"
2. Whether the demand of the workmen Sarvashri Mohan Singh, Ramu, Elcha, Kundan Sukh-Ram Manohar Balram, Kishore and Madho Should be paid wages of motor drivers as recommended by the Wage Board of Coal Mining Industry is justified and if so to what relief these nine workmen are entitled?"

Even before the reference was received by this Tribunal the parties had made an application dated 12th October, 1971 that an amicable settlement in respect of the demands submitted by the workmen had been reached between the parties. The settlement is annexure A to this order. The settlement has been verified by Sri S. B. Katiar on behalf of the management and by Sri V. N. Dutta on behalf of the M. P. Rashtriya Koyala Khadan Mazdoor Sangh.

The settlement was arrived at before the Assistant Labour Commissioner at Chhindwara and is dated 8th October, 1971. The order of reference is also of the same date. It is clear then that the management and the workmen were not aware at that time that a reference was being made by the Government of India to this Tribunal on the same date.

The settlement before the Assistant Labour Commissioner covers a number of demands of the workmen. Only Demand No. 2 and Demand No. 6A are relevant to the present industrial dispute. As is clear from the settlement and as is stated by the parties before the Tribunal, no dispute exists between the parties. The settlement itself as already mentioned had arrived at before they were aware of this reference. They consequently request for permission to withdraw the dispute from this Tribunal.

Since no dispute exists between the parties in view of the settlement annexure A there is no point in proceeding further with the reference. Parties are therefore permitted to withdraw from the dispute. I make an order accordingly. Let this Order/Award be sent to the Central Government. In the circumstances of the case parties will bear their own costs.

(Sd.) M. CHANDRA,
Presiding Officer.
4-12-1971.

ANNEXURE 'A'

MEMORANDUM OF SETTLEMENT ARRIVED AT UNDER SECTION 12 (3) OF THE INDUSTRIAL DISPUTES ACT 1947 IN THE OFFICE OF THE ASSISTANT LABOUR COMMISSIONER (CENTRAL), CHHINDWARA ON 8TH OCTOBER, 1971.

Representing Management.

1. Shri U. P. Chanchani, Director, Newton Chickly Colliery, P. O. Parasia.
2. Shri B. P. Dabral, Chief Personnel Officer, Newton Chickly Colliery, P.O. Parasia.
3. Shri S. B. Katiyar, Personnel Officer, Newton Chickly Colliery, P.O. Parasia, District Chhindwara (M. P.).

Representing workmen.

1. Shri B. P. Sharma, President.
2. Shri Shyam Lal, Vice-President.
3. Shri R. P. Vishwakarma, Vice-President.
4. Shri V. N. Dutta, General Secretary.
5. Shri N. B. Choudhary, Treasurer.
6. Shri B. M. Siddiqui, Branch President.
7. Shri Radhey Shyam Singh, Branch Secretary.

(Sd.) O. P. GUPTA,
Assistant Labour Commissioner(C),
Chhindwara.

Short Recital of Case

The M. P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC), Chandametta vide letter No. INTUC/5/71/510, dated 4th September, 1971, served a strike notice on the management of Newton Chickly Colliery, P.O. Parasia over a Charter of 11 demands. Conciliation proceedings in the dispute were held on 10th September, 1971 and 16th September, 1971. A failure of conciliation report was submitted to the Government on 17th September, 1971. The union resorted to strike with effect from 20th September, 1971. There after the parties discussed the matter mutually at various times. Ultimately the parties again approached the Assistant Labour Commissioner (Central), Chhindwara for using his good offices to resolve the dispute. Conciliation proceedings in the dispute were again held on 8th October, 1971 in the office of the Assistant Labour Commissioner (Central), Chhindwara. After prolonged discussions the parties agreed to the following terms of settlement:—

Terms of Settlement

Demand No. 1

It has been settled between the parties mutually.

Demand No. 2

Agreed that the issue of Profit Sharing Bonus shall be referred to the arbitration of the Chief Labour Commissioner (Central), New Delhi or any other Arbitrator as agreed to between the parties.

Demand No. 3 & 4

Agreed that in view of the Contract Labour (Regulation & Abolition) Act 1970 having come into force, all those workmen who are required to be brought on the Company's rolls shall be so brought, considering their seniority and skill, in consultation with the departmental officers and the union representatives.

Demand No. 5

Agreed that any case of non-implementation of the mutual settlement in respect of sick-khura shall be brought to the notice of the management and the same shall be considered. Agreed further, that in case of a dispute in respect of sickness of any workmen, the same shall be referred to the Medical Officer, Regional Hospital of Coal Mines Welfare Organization, Junnord, whose decision shall be final. The bus fare in this connection shall be paid by the management.

Demand No. 6(a)

Agreed that 4 persons out of the list submitted to the Labour Enforcement Officer (Central), Chhindwara on 13th September, 1971 by the Union, shall be taken as drivers in accordance with their seniority. Shri Mohan Singh shall continue to be as Chowkidar. The apprentice-drivers having been employed for various companies under the same management shall not be considered, but shall be transferred to the other companies within a month for payment etc. from their account.

Demand No. 6(b)

Agreed that the overtime work by the four drivers shall be paid as per the Mines Act, i.e. double the wages, instead of fixed allowance being paid presently. Any bed-rent or diet-allowance paid to the drivers, when out of station, shall however continue to be paid as is being done.

Demand No. 7

Agreed that this issue is withdrawn by the Union.

Demand No. 8

Agreed that the Union will give a list of such persons who are officiating on higher posts and are not given difference payable for work in the higher category. The management shall consider all such cases.

Demand No. 9

Agreed that in case of new appointment preference shall be given to the dependants of workers and ex-workers considering their skill and suitability, in consultation with the Branch Union.

Demand No. 10

Agreed that the management undertakes to consider within a month of the union's submitting their list of cases of alleged wrong categorisation which remain to be settled, in accordance with the principles laid down in the Wage Board Recommendations.

Demand No. 11

Agreed that Dressers shall be put in Category IV and they shall not be paid any separate allowance for drilling work. The rate of incentive shall be 25 paise instead of 15 paise per tub for over and above 15 tubs.

Agreed further that Dressers getting Rs. 6.80 basic shall be paid Rs. 7.50 paise, those getting Rs. 6.50 basic shall be paid Rs. 7.30 basic and those getting Rs. 6.35 basic shall be paid Rs. 7.10 basic.

Agreed that there shall be no victimisation of the workers for their participation in strike and the management shall withdraw show-cause notices issued to any worker in this respect.

In view of the above settlement the Union agrees to call off the strike with effect from the third shift of 8th October, 1971.

The parties agreed to send report of implementation of this settlement to the Assistant Labour Commissioner (Central), Chhindwara by 31st December, 1971.

(Sd.) U. P. CHANCHANI.
(Sd.) B. P. DABRAL.
(Sd.) S. B. KATIYAR.
(Sd.) B. P. SHARMA.
(Sd.) SHYAM LAL.
(Sd.) N. P. VISHWAKARMA.
(Sd.) V. N. DUTTA.
(Sd.) N. B. CHOUDHARY.
(Sd.) B. M. SIDDIQUI.
(Sd.) R. S. SINGH.

(Sd.) O. P. GUPTA,
Assistant Labour Commissioner (Central),
Chhindwara.

WITNESS:

1. (Sd.) R. M. CHELLANI, L.E.O. (C).
2. (Sd.) P. A. PANICHER.

Chhindwara.

8th October, 1971.

[No. F. CHA-83(10)/71]

*True Copy
Certified.*

For and on behalf of
The Newton Chickli Collieries Ltd.

Director.

Verified by Shri S. B. Katiar, for the Management and by Sri V. N. Dutta, General Secretary of M. P. Rashtriya Koyala Khadan Mazdoor Sangh. Both of them are indentified by Sri G. P. Chaube, Clerk of this Tribunal.

(Sd.) V. N. DATTA (Sd.) M. CHANDRA,
(Sd.) S. B. KATIAR, Presiding Officer.
4-12-1971.

Part of Award

(Sd.) M. CHANDRA,
Industrial Tribunal-cum-Labour Court, (Central).
Jabalpur.

[No. L/22011/9/71-LRII.]

New Delhi, the 14th February 1972

S.O. 754.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Jamadoba Colliery of Messrs Tata Iron and Steel Company, Post Office Jealgora, District Dhanbad, and their workmen, which was received by the Central Government on the 8th February, 1972.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 3) AT DHANBAD**

REFERENCE No. 47 OF 1968

PRESENT:

Bhawani Sankar Tripathi, Presiding Officer.

PARTIES:

Employers in relation to the Jamadoba Colliery

Vs.

Their workmen.

APPEARANCES:

For employers.—S/Sri S. S. Mukherjee, Advocate & L. H. Parvatiyar, Law Officer.

For workmen.—Shri D. Narsingh, Advocate.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, dated the 31st January, 1972.

AWARD

1. The Government of India, in the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) being of the opinion that an industrial dispute exists between the employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad and their workmen, by its order No. 2/123/66-LRII dated the 11th of October, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the dismissal of Shri Teja Singh, Heavy Tyndal, with effect from the 3rd May, 1966 and Sri Siddique Sherwan, Feeder Attendant, with effect from the 5th March, 1966 by the management of the Jamadoba Colliery of Messrs Tata Iron and Steel Company amounts to victimisation for trade union activities, and if so, to what relief are the workmen entitled?"

2. The reference was registered as Reference No. 139 of 1966 in the Central Government Industrial Tribunal, Dhanbad. Later on, the Central Government by its order No. 8/25/67-LRII, dated the 8th of May, 1967, transferred the Industrial Dispute to the Central Government Industrial Tribunal No. 2, Dhanbad where it was registered as Reference No. 176 of 1967. The reference was subsequently transferred to this Tribunal by the Central Government by its subsequent Order No. 8/71/68-LRII, dated the 13th of August, 1968 and it was re-numbered in this Tribunal as reference No. 47 of 1968.

3. On behalf of the concerned workmen the dispute was sponsored by Koyala Mazdoor Panchayat and a written statement dated 27th October, 1966 was filed by the said Panchayat. The employers filed their written statement on 5th February, 1968. The hearing of the reference was taken up by my predecessor-in-office Sri Sachidanand Sinha, before whom both documentary and oral evidence were adduced on behalf of both the parties. Thereafter on hearing both the parties he gave his award on 16th April, 1969. He found that the dismissal of Sri Teja Singh, Heavy Tyndal, with effect from 3rd May, 1966 and Sri Siddique Sherwan, Feeder Attendant, with effect from the 5th of March, 1966 amounts to victimisation for their trade union activities. Accordingly, it was held further that Sri Teja Singh and Siddique Sherwan are entitled to be reinstated with full back wages from the date of their dismissal, i.e., from the 3rd May, 1966 and the 5th March, 1966 respectively upto the date of reinstatement along with continuity of service.

4. I may mention at this place that a separate charge-sheet was issued to each of the two workmen with the allegation of misconduct on their part, as mentioned therein, whereupon there was domestic enquiry in two separate departmental proceedings, one against Sri Teja Singh and the other against Sri Siddique. The enquiry officer found both the workmen guilty of the charges against them. The management accepted the finding of the enquiry officer in the departmental enquiries and issued letter of dismissal to the said workmen. My

predecessor-in-office in his award, referred to above, came to the conclusion that the departmental enquiries were not fair and proper and so the dismissal of the concerned workmen was not justified.

5. As against the said award the management filed a writ petition (Civil Writ Jurisdiction Case No. 807 of 1969) under articles 226 and 227 of the Constitution of India before the Hon'ble High Court at Patna, which was disposed of by the Hon'ble Court as per judgement dated the 5th of August, 1971. Their Lordships set aside the award and rewarded the reference to this Tribunal for a fresh adjudication on the evidence already adduced by the parties in accordance with the law and in the light of judgment of the Hon'ble Court. Their Lordships held that the finding recorded by this Tribunal that the departmental enquiries were not fair and proper was beyond the scope of the reference, that the Tribunal was not called upon to go into the question as to whether the dismissal order was justified or not, that the Tribunal was to find only as to whether the dismissal was by way of victimisation or unfair labour practice, and that the finding of victimisation recorded by the Tribunal can not be upheld as it is based upon the discussion of no evidence or circumstances, except some pointed out in paragraph 16 of the Tribunal's Award, which by themselves could not lead to that conclusion.

6. After remand, as a result of the decision in the writ petition, said above, the reference was heard on the evidence already adduced by both the parties. At the time of hearing the employers were represented by Sri S. S. Mukherjee, Advocate and the workmen were represented by Sri D. Narsingh, Advocate.

7. According to the written statement of the workmen the management declared 8½ per cent profit sharing bonus to their workmen and the workmen belonging to different unions, including Koyala Mazdoor Panchayat of which the concerned workmen Sri Teja Singh and Sri Siddique Sherwan were the members, protested to the quantum of the bonus declared by the management. However, on 29th September, 1965 the management started distributing profit sharing bonus to the workmen when a few people wanted to receive the same and out of a large number of workmen collected there, some persuaded their fellow workmen not to lift the bonus as the matter was under dispute. It is said that the management picked-up some workmen and issued chargesheets to them and thereafter departmental enquiry was started against them with a view to frighten the workmen who were not lifting bonus. The allegation further is that in the departmental enquiry there was no evidence to prove that the concerned workmen Sri Teja Singh and Sri Siddique were seen by any body in taking part in persuading the workmen not to lift bonus or doing any other overt act, and that Sri Siddique was even denied natural justice inasmuch as his request to the Enquiring Officer to hold departmental enquiry at a place convenient to him was not accepted. It is said that the whole enquiry proceeding was biased and vitiated by preconceived design to create fear among the workmen who were protesting against the quantum of bonus declared by the management which amounts to unfair labour practice.

8. According to the employer, as stated by them in their written statement, they are not aware if Sri Teja Singh and Sri Siddique were members of Koyala Mazdoor Panchayat or of any union at all at the relevant time. It is said that on 29th September, 1965 when bonus was being paid to the workmen of Jamadoba Colliery, Sri Teja Singh and Sri Siddique were standing with about 100 persons near the garage in front of the office of the Manager of the colliery and at the instance of Sri Sobran Singh Heavy Tyndal Mazdoor, Washing Plant Sri Teja Singh and Sri Siddique threatened those who were accepting payment of bonus and they led the mob towards Sri S. N. Singh, the Legal Assistant in a violent attitude for assaulting him and also shouted

abused on him. They also led the mob towards the payment counter and insisted the mob to assault the workmen who were drawing bonus and also the officers of the Company, with the result that all those who had come to take bonus, except 4 workmen who had already taken the same, left the place without drawing the bonus out of fear. On account of the above misconduct on the part of Sri Teja Singh and Sri Siddique, the employers state, chargesheets dated 8th October, 1965 were issued to them and they submitted their replies denying the charges. The departmental enquiry against Sri Teja Singh and that against Sri Siddique were held separately. Sri Teja Singh attended the departmental enquiry against him and he was given full opportunity to cross-examine the witnesses of the management and to defend himself. After enquiry the Enquiring Officer found the charge against him to have been established and thereafter Sri Teja Singh was dismissed by the management by their letter dated the 3rd May, 1966. In the departmental enquiry against Sri Siddique 11th November, 1965 was the date fixed for hearing and on that date on the petition for adjournment filed on behalf of the concerned workman, the enquiry was postponed to 18th November, 1965 and Sri Siddique was informed of it. On 18th November, 1965 Siddique did not turn up and still one more chance was given to him to attend the enquiry which was fixed to 22nd November, 1965. On 22nd November, 1965 Sri Siddique did not attend the enquiry and thus the enquiry was held in his absence. On the evidence adduced before the Enquiring Officer he came to the conclusion that the charges of misconduct as against Sri Siddique were established and the management after accepting the report of the enquiry officer dismissed Sri Siddique with effect from 5th March, 1966. The case of the employers is that the departmental enquiries were fair, proper and were conducted after observing the principles of natural justice.

9. From the reference itself it will appear that the point for adjudication by the Tribunal is not about the propriety or fairness in conducting the departmental proceeding or whether the order of dismissal of the concerned workmen was justified or not. The point for adjudication is whether the dismissal of the concerned workmen amounts to victimisation for trade union activities. Sri D. Narsingh, Advocate of the workmen in course of argument frankly conceded this to be the scope of the reference and not the propriety or otherwise of the departmental proceedings.

10. Exts. M-1 to M-19 are the documents relating to the domestic enquiries made against the concerned workman Sri Teja Singh and Sri Siddique. Ext. M-5 is the copy of Certified Standing Order. The charge against the workmen was misconduct punishable under clause 19(5) of the said standing order for riotous and indecent behaviour. Ext. M-1 to M-4, M-16 and M-17 relate to the entire proceeding against Sri Teja Singh, beginning from the issue of chargesheet till the issue of the letter of his dismissal. Similarly Exts. M-6 to M-14, M-18 and M-19 are the relevant documents relating to the charge against Sri Siddique ending with the issue of letter of his dismissal. The chargesheet issued to both the workmen is the same (*vide* Exts. M-1 and M-6) and the replies of both the workmen to the chargesheet are also the same (*vide* Exts. M-2 and M-7). The chargesheet reads as follows:—

"On 29th September, 1965 at about 3.20 P.M. you were standing with about 100 persons near the garage (by the side of the compressor) in front of the office of the Manager, Jamadoba Colliery. At the instance of Sri Sobran Singh, Heavy Tyndal Mazdoor, Washing Plant, you threatened those who were accepting payment of their ordinance bonus shouting 'JO BONUS UTHAYEGA USKA HADI PASLI TOR DENGE SINGH SAHEB SALA SAB KO BONUS DILATA HAI USKO MARO'. You led the mob towards Sri S. N. Singh in a violent attitude for assaulting him and had also shouted abuses on

him. You also led the mob towards the payment counter but were prevented from reaching there by the watchmen and police force.

This misconduct is punishable under clause 19(5) of our Standing Orders for riotous and indecent behaviour."

11. In their reply the concerned workmen made out defence to the effect that the charge against them was entirely false, that they were not present at the time of the alleged occurrence, that with a view to victimise them for refusing to take profit sharing bonus the false charge was fabricated against them, that they were implicated in as case u/s 107 Cr. P. C. along with others as they are active members of Colliery Mazdoor Sangh and due to hostility on account of trade union activities this attempt to victimise was made, and that the management pressed to persuade the workers to accept less bonus, but as they refused to do so, the management framed the charge against them by way of revenge. Exts. M-3 series are the notices of enquiry relating to the information given to the concerned workman Teja Singh about the dates of enquiry. Exts. M-8 to M-14 are the notices of enquiry relating to the domestic enquiry against Sri Siddique Ext. M-16 is the enquiry proceeding relating to the enquiry against Sri Teja Singh and Ext. M-18 is the enquiry proceeding relating to the enquiry against Sri Siddique in the aforesaid domestic enquiries. Ext. M-17 is the enquiry report relating to the domestic enquiry against the workman Sri Teja Singh and Ext. M-19 is the enquiry report in the domestic enquiry against the workman Sri Siddique. The enquiry officer has found the charges to have been proved against both the workmen. It appears that the management accepted the report of the enquiry officer and issued letters of dismissal to both the workmen (vide Exts. M-4 relating to Sri Teja Singh and Ext. M-9 relating to Sri Siddique). In the domestic enquiries six witnesses were examined on behalf of the management.

12. The genuineness of the documents aforesaid has not been disputed on behalf of the workmen. I have carefully gone through the documents relating to the domestic enquiries in question. There is nothing on record to show that the domestic enquiries against the concerned workmen was improper or unfair in any way. It appears further that in the domestic enquiries the concerned workmen were given full opportunity to defend themselves and to cross-examine the witnesses of the management. The enquiries conducted by the Enquiry Officer have not been shown to me as to be violative of the principles of natural justice in any way.

13. I have already said above that the question for determination in the present reference is not as to the propriety or otherwise of the dismissal of the concerned workmen by the management of Jamadoba Colliery but it is as to whether the dismissal of the said workmen amounts to victimisation for their trade union activities.

14. On behalf of the management 4 witnesses have been examined and they are MW-1 Sri N. K. Prasad, Senior Welfare Officer at Digwadih Colliery, MW-2 Sri S. N. Singh, the Legal Assistant in Tata Collieries, MW-3 Sri T. K. Prasad, Welfare Officer, working in Jamadoba during the relevant time, and MW-4 Sri S. M. M. Safvi, Manager, Coal Washing Plant, Jamadoba. Workman Sri Teja Singh has been examined as WW-1 and the workman Sri Siddique has been examined as WW-2 and they are the only witnesses examined in the present reference on behalf of the workmen.

15. The learned Advocate of the management pointed out that the workmen themselves have not said in their evidence whether they were members of any union or were office bearers of any trade union and what their trade union activities were, on account of which they were dismissed by the management by way of victimization. So far as witnesses of the management are concerned MW-1 is Enquiring Officer, who had enquired into the charges against the concerned workmen and he is a witness on the point of domestic enquiries

made by him. He has given evidence in support of the charge against the concerned workmen in the domestic enquiries and has denied the fact that these workmen were victimised for their trade union activities. He has stated further that he does not know that the workmen concerned were the members of any union at all. MW-3 has also denied to have been any knowledge that the concerned workmen Sri Teja Singh and Sri Siddique Sherwan were the members of any trade union. In the cross-examination of MW-2 and MW-3 no suggestion even was made that the concerned workmen were members of any union at all at the relevant time. MW-4 is the Manager of the Washing Plant. According to him he is not aware that Sri Siddique was a member of any trade union. He has denied the fact that his dismissal was due to the act of victimisation. There has been no cross-examination of the witnesses on the point under consideration. It comes to this, therefore, that the evidence adduced by the parties does not show that the concerned workmen were members of any trade union or that they had any trade union activities which was the reason for their dismissal from the services by the management. On behalf of the workmen the submission is that according to the case of the management in the domestic enquiries these workmen had asked the other workmen not to accept the bonus as the bonus which was given by the management was at a less rate and this amounts to trade union activity and it must accordingly be held that the concerned workmen were dismissed on account of their trade union activities. I am unable to accept this submission, in view of the evidence and circumstances on record.

16. The charge framed and proved against the workmen will show that they threatened to break the bones of those workmen who would accept bonus, abused Sri S. N. Singh and incited the workmen to assault him and led the mob towards Sri S. N. Singh in a violent attitude to assault him. Thus it cannot be said that the dismissal of the concerned workmen was simply for their asking the other workmen not to accept less bonus.

17. It has next been submitted on behalf of the workmen that Sri Teja Singh and Sri Siddique were in service of the management for 20 years and 30 years respectively at the time they were dismissed and there is nothing to show anything against their service record and in that view of the matter the punishment of dismissal inflicted on them is too severe and disproportionate with the gravity of the offence proved against them, which by itself goes to prove that the concerned workmen were dismissed on account of their trade union activities. I have already mentioned above the different acts of riotous and disorderly behaviour proved against the workmen in the domestic enquiries. In my opinion, these acts will not justify punishment other than the punishment of dismissal. I do not accordingly accept the submission on behalf of the workmen to draw an inference from the above facts that on account of trade union activities of the concerned workmen were dismissed from service.

18. In view of the findings recorded above my answer to the first part of the reference is that the dismissal of Sri Teja Singh, Heavy Tyndal, with effect from the 3rd May, 1966 and Sri Siddique, Sherwan, Feeder Attendant, with effect from the 5th March, 1966 by the management of the Jamadoba Colliery of Messers Tata Iron and Steel Company does not amount to victimisation for trade union activities. As such, my answer to the second part of the reference is that the workmen are not entitled to any relief in the present reference.

19. This is my award. Let the award be submitted to to the Ministry under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) BHAWANI SANKAR TRIPATHI,
Presiding Officer,
Central Govt. Industrial
Tribunal (No. 3), Dhanbad.
[No. 2/123/66-LRIL]

New Delhi, the 17th February 1972

S.O. 755.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 2) Bombay in the industrial dispute between the employers in relation to the management of Ivan Milutinovic Pim, Gosalia Building Vasco-de-Gama and their workman, which was received by the Central Government on the 3th February, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

REFERENCE NO. CGIT-2/1 OF 1971

Employers in Relation to the Management of Ivan Milutinovic Pim, Gosalia Bldg., Vasco-de-Gama.

AND

Their Workman Shri S. B. Jadhav.

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the employers.—Shri Maneck Gagrath, Advocate.

For the workman.—Shri R. G. Menon, Advocate.

INDUSTRY: Stone Quarry.

STATE: Goa,
Daman and Diu

Bombay, the 1st February, 1972

AWARD

By order No. 12(30)/70-LR-IV dated 18th January, 1970 (correct year 1971) the Central Government in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of Ivan Milutinovic Pim, Gosalia Bldg., Vasco-de-Gama and their workman Shri S. B. Jadhav in respect of the matter specified in the Schedule mentioned below:—

"SCHEDULE

Whether the action of the management of Ivan Milutinovic-Pim Vasco-de-Gama in discharging the workman Shri S. B. Jadhav, Ex-Helper (Traxcavator), with effect from the 6th June, 1970, is justified? If not, to what relief is the workman entitled?"

2. The facts giving rise to this reference are as follows:—

3. The workman Shri S. B. Jadhav was working as helper with Ivan Milutinovic-Pim (hereinafter referred to as the company) in Bombay office. The Chief Engineer vide Ref: KR/338/69 dated 15th October, 1969 confirmed him as helper with effect from 11th April, 1969, vide Ex. 11/W. Thereafter Shri Jadhav was transferred to Goa to work as a helper by the company.

4. On 30th April, 1970 show cause notice as mentioned below was issued to the workman by the Project Manager.

"Shri S. B. Jadhav (Helper), Opp. State Bank of India, Pan Shop No. 143, Vasco-de-Gama.

It is reported that you are remaining absent without permission with effect from 17th April, 1970. This alleged act of yours is highly objectionable for which you are required to show cause why disciplinary action should not be taken against you. Your written explanation should reach the undersigned within 48 hours from the date of this notice, failing which we will be constrained to take further action in the matter."

5. On 9th May, 1970 chargesheet as mentioned below was issued to Shri S. B. Jadhav (helper), Ex. 24/W.

"You were issued with a show cause notice No. KBM dated 30th April, 1970 for remaining absent without permission with effect from 17th April, 1970 and that you were asked to submit your written explanation within 48 hours from the receipt of that letter failing which the management would proceed further in the matter. You did not give any written explanation to that effect.

On further enquiry it was reported by you that as you are Helper to the Traxcavator no other job even akin to it would be done by you and that would do the job of Helper to the Traxcavator Operator only. You therefore preferred to remain absent instead of abiding by the instructions given to you by your superiors. The sort of behaviour of yours is highly objectionable for which you are hereby chargesheeted.

A written enquiry into the matter will be conducted on Thursday the 14th May, 1970 at 2.30 P.M. in Vasco-de-Gama Office Building called Gesallo Building, in the 3rd Floor, when you are required to remain present alongwith your witnesses if any. If you fail to attend the enquiry as demanded in this letter of charge, an ex-parte decision will be arrived at in your absence and the same will be binding on you. In the meanwhile, if you so desire you may submit your written explanation."

6. In pursuance of the chargesheet referred to above enquiry was held against Shri Jadhav on 25th May, 1970. In that enquiry he was found guilty of the misconduct alleged to have been committed by him. The Project Manager therefore passed order No. 573/KBM dated 6th June, 1970 (Ex. 18/W) discharging him from service. That order is as follows:—

"Further to the letter of charge No. 451/KBM of 9th May, 1970 a written enquiry was held on 25th May, 1970 into the charge held against you.

From the proceedings of the enquiry we find that full opportunity was given to you and that you fully participated in the enquiry.

We have carefully gone through the records of enquiry the connected papers and findings of the Enquiry and have come to the conclusion that the charge levelled against you have been sufficiently proved.

Under the circumstances, we would have been justified in dismissing you from service. However, as a generous gesture it has been decided to discharge you from service.

Accordingly, you are hereby discharged from service with effect from the date of this letter.

Your final settlement dues can be collected by you from the office at any time during the office hours.

You are advised to return company's stores, if any, issued to you before collection of your final settlement, surrender the entry pass, if given to you and vacate the accommodation."

7. As Shri Jadhav was discharged from services he raised industrial dispute with the Assistant Labour Commissioner (C) Vasco-de-Gama. He tried to bring about conciliation but in vain. He therefore submitted his failure of conciliation report to the Government. The Government of India thereafter referred this dispute to this Tribunal for adjudication.

8. The employee Shri Jadhav has filed written statement at Ex. 2/W. His main contention is that the order of discharge passed by the company is illegal, void and inoperative on various grounds and reasons as mentioned in his written statement.

9. The company has filed statement under Rule 10B (1) of the Industrial Disputes (Central) Rules, 1957 at Ex. 1/E and rejoinder at Ex. 3/E. The company's case is that the action of discharge taken against Shri Jadhav is proper and just. The company has tried to show as to how the enquiry held against Shri Jadhav was fair and just.

10. The employee Shri Jadhav has filed his affidavit at Ex. 4/W and produced number of documents at Ex. 5/W to 24/W.

11. The Personnel Officer of the company has filed affidavit at Ex. 25/E and produced some documents at Ex. 26/E to 36/E.

12. After taking some adjournments, both the parties started negotiations and settled the dispute by amicable settlement. That settlement Ex. 37/EW is as follows:—

"May it please this Hon'ble Tribunal:

The parties to the above reference have arrived at a settlement and pray that an award be made in terms thereof:

Terms of Settlement

1. The company abovenamed has agreed to pay *ex-gratia* sum of Rs. 950 to Shri S. B. Jadhav. It is further agreed that earned leave wages which may be due to Shri S. B. Jadhav will be paid to him in addition to the aforesaid *ex-gratia* sum.

2. Shri S. B. Jadhav has agreed and accepted the above terms in full and final settlement of all his claims and does not press for his demand for reinstatement.

3. The payment as agreed to in clause 1 above will be paid to Shri S. B. Jadhav on or before 20th January 1972 at Bombay.
Bombay dated 14th January 1972."

13. From the terms of settlement referred to above it is clear that the company has agreed to pay an *ex-gratia* sum of Rs. 950 to Shri Jadhav and earned leave wages which may be due to him in addition, and that Shri Jadhav has agreed to accept the sum in full and final settlement of his claim. He is giving up his demand for reinstatement.

14. I am satisfied from the terms of settlement between the parties that the same is fair and reasonable and in the interest of both the parties. I therefore accept the same and pass the following order:—

ORDER

- (i) Award is made in terms of settlement Ex. 37/EW.
- (ii) Ex. 37/EW is to form part of this Award.
- (iii) Parties to bear their own costs.

(Sd.) N. K. VANI,

Presiding Officer,

Central Government Industrial
Tribunal No. 2, Bombay.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

REFERENCE No. CGIT-2/1 of 1971

BETWEEN

Ivan Milutinovic Pim

AND

S. B. Vadhav

In the matter of reinstatement,

May it please this Hon'ble Tribunal:

The parties to the above reference have arrived at a settlement and pray that an award be made in terms thereof:

Terms of Settlement

1. The Company abovenamed has agreed to pay an *ex-gratia* sum of Rs. 950 to Shri S. B. Jadhav. It is further agreed that earned leave wages which may be due to Shri S. B. Jadhav will be paid to him in addition to the aforesaid *ex-gratia* sum.

2. Shri S. B. Jadhav has agreed and accepted the above terms in full and final settlement of all his claims and does not press for his demand for reinstatement.

3. The payment as agreed to in clause 1 above will be paid to Shri S. B. Jadhav on or before 20th January 1972 at Bombay.

Bombay, dated 14th January, 1972.

Witness:

(1) (Sd.) M. A. GAGRAI, (Sd.) ILLEGIBLE
Advocate for the For M/s. Ivan Mulitinovic Pim
Company

(2) (Sd.) R. G. MENON, (Sd.) S. B. JADHAV
Advocate for Shri
S. B. Jadhav.

[No. 12(30)/70-LRIV.]

New Delhi, the 18th February 1972

S.O. 756.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Digwadih Colliery of Messrs. Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 14th February, 1972.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 3) AT DHANBAD**

REFERENCE No. 63 OF 1969

PRESENT:

Shri B. S. Tripathi, Presiding Officer.

PARTIES:

Employers in relation to the management of Digwadih Colliery of Messrs. Tata Iron and Steel Co. Ltd.
Vs.

Their workmen.

APPEARANCES:

For Employers.—S/Sri S. S. Mukherjee, Advocate,
L. H. Parvatiyar and 2 others.

For workmen.—None.

INDUSTRY: Coal

STATE: Bihar

Dhanbad, dated the 3rd February, 1972

AWARD

1. The Central Government in the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) being of the opinion that an industrial dispute exists between the employers in relation to the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad and their workmen, in respect of the matters mentioned in the Schedule annexed thereto, has referred the same for adjudication to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 by its order No. 2/232/68-LRII dated the 28th August, 1969. The Schedule is extracted as under:—

SCHEDULE

"Whether the action of the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited in suspending Shri Budhar

Mistry, Mechanical Fitter with effect from the 8th July, 1968 *vide* management's letter No. Dig/15D-68/3602 dated 25-6/1-7-1968 is justified? If not, to what relief is the workman entitled?"

2. The reference was received by this Tribunal on 16th September, 1969 when it was registered as Reference No. 63 of 1969 and notices were sent to both the parties. The industrial dispute out of which the present reference arose was sponsored by the Congress Mazdoor Sangh, Bihar. The concerned workman of the present reference is one Bhudhar Mistry, a Mechanical Fitter, working in Digwadih Colliery of Tata Iron & Steel Company Limited. He was put under suspension for a period of 10 days with effect from 8th July, 1968 by the management as he was found guilty of the charge in a departmental enquiry held against him. The Union then raised the industrial dispute in question through its President.

3. The employers filed written statement in the reference on 1st November, 1969. On behalf of the workmen written statement was filed on 13th February 1970. The employers filed a rejoinder to the written statement of the workmen on 30th March, 1970.

4. The case of the employers, as made out in their written statement, is as follows:—

The Tata Iron & Steel Co. Ltd. has got six collieries including Malkera-Choitudih and Digwadih Collieries. Previously Shri Bhudhar Mistry, the concerned workman, was working in Malkera Colliery wherefrom he was transferred to Digwadih Colliery and was posted as Mechanical Fitter. While he was working in Malkera Colliery he was living in a quarter of that Colliery. The Welfare Officer of Digwadih Colliery was incharge of the allotment of houses of that colliery and he made allotment of a quarter at that colliery to Sri Bhudhar Mistry and as per his letter dated 27th May, 1968 informed him (Bhudhar Mistry). The Welfare Officer advised the workman to occupy the quarter allotted to him at Digwadih Colliery and to hand over the vacant possession of the quarter in his possession at Malkera Colliery. Sri Bhudhar Mistry did not comply with this order, whereupon a chargesheet dated 4th/5th June 1968 was issued to him for disobedience of that order and a departmental enquiry followed thereafter. The enquiry was held in the presence of the concerned workman. The Enquiring Officer found the charge against the concerned workman to have been established and the management having accepted the report of the Enquiry Officer, suspended the workman for 10 days with effect from 8th July, 1968 by way of punishment. It is submitted that the order of suspension is justified.

5. According to the union Sri Bhudhar Mistry has been living with his wife and children in the quarter allotted to him at Malkera Colliery for about 18 years. The Welfare Officer of Digwadih Colliery all of a sudden allotted a quarter to the workman at Digwadih Colliery and as per his letter dated 27th May, 1968 asked the workman to vacate the quarter in his possession at Malkera Colliery with a threat of disciplinary action in the case of non-compliance. The workman was transferred to Digwadih Colliery in the year 1950, and in spite of the fact that Digwadih Colliery is at a distance of about 17 miles from Malkera Colliery and no quarter was allotted to the workman at Digwadih Colliery, he did not protest to the transfer, joined his duty at Digwadih Colliery and has been doing his duties at Digwadih Colliery faithfully daily incurring transport cost for going to Digwadih Colliery from Malkera Colliery. The quarter allotted to him for the first time in May, 1968 at Digwadih is inferior

to the quarter in occupation of the workman at Malkera Colliery. It is alleged that the Welfare Officer of Digwadih Colliery had no right to direct the workman to vacate the quarter at Malkera Colliery, it being outside his jurisdiction, that the order of the Welfare Officer was therefore, neither lawful nor reasonable as to attract the provisions of clause 19(1) of the Certified Standing Orders and that the workman is prepared to vacate the quarter at Malkera Colliery, if the quarter which was in occupation of Lakhan Mistry at Digwadih Colliery before his retirement, still lying vacant, is allotted to him. The workman states that the summary and arbitrary order of the management suspending him from service for 10 days was in contravention of the principles of natural justice and is thus unjustified. In view of all these, it is alleged, that the order of the management suspending Bhudhar Mistry is liable to be set aside.

6. From the records it appears that 9th November, 1971 was the date fixed for hearing of the reference and on this date on a petition for time filed on behalf of the workmen it was adjourned to 1st February 1972 for hearing. On 1st February 1972 the employers were ready for hearing but none appeared on behalf of the workmen. No step also was taken on behalf of the workmen. The case was, however, adjourned to 2nd February, 1972 for *ex-parte* hearing. On 2nd February 1972 the employers were ready with witnesses but no body was present on behalf of the workmen and no step also was taken on their behalf. The hearing of the case was accordingly taken up in the absence of the workmen under Rule 22 of Industrial Disputes (Central) Rules, 1957.

7. On behalf of the employers three witnesses were examined and they are S Sri R. I. Luther, Welfare Officer of Digwadih Colliery (MW-1), R. K. Verma, Personnel Officer of the Company (MW-2) and I. H. Parvatiyar, Law Officer of Tata Iron & Steel Co. Ltd. for the six collieries of the Co. in the District of Dhanbad.

8. Out of the documents exhibited on behalf of the employers Ext. M-1 is the letter issued by MW-1 to Sri Bhudhar Mistry asking him to vacate the quarter in his occupation at Malkera Colliery and to occupy the quarter allotted to him at Digwadih Colliery within 7 days from the date of receipt of the letter in question. The letter is dated 27th May, 1968. It has been proved by MW-1. The witness states that since Bhudhar did not obey his order the Manager of Digwadih colliery issued chargesheet Ext. M-2 asking the workman to show cause why disciplinary action should not be taken against him under clause 19(1) of the standing Orders. As the cause shown by the workman was found unsatisfactory by the management a domestic enquiry with respect to the said chargesheet was ordered and it was conducted by MW-2. From the evidence of this witness it appears that he conducted the enquiry and examined Sri R. I. Luther, in presence of the workman who was given full opportunity to cross-examine the witness. The Enquiring Officer also recorded the statement of Bhudhar Mistry. Exts. M-3 and M-3(1) are the statements of Sri R. I. Luther and Sri Bhudhar Mistry respectively in the said domestic enquiry. Ext. M-4 is the report submitted by the Enquiring Officer to the Manager of Digwadih Colliery. In his report Sri Verma, the Enquiring Officer, found the charge levelled against Sri Bhudhar Mistry to have been established. Ext. M-5 is the letter of dismissal issued by the Manager of Digwadih Colliery intimating the concerned workman that the charge of disobedience of order against him had been established and accordingly he had been suspended for 10 days with effect from the 8th of July, 1968 under clause 19(1) of the Standing Orders. Ext. M-5 is the copy of the certified Standing Orders. MW-3 has proved the documents Exts. M-5 and M-6 but he is not a witness on facts relating to the facts of the present reference.

9. No doubt in the domestic enquiry the workman was given full opportunity to defend himself and also

to cross-examine the witness of the management and in that respect the enquiry cannot be dubbed as unfair or improper. But the question that arises for consideration is as to whether the action of the workman amounts to wilful insubordination or disobedience of any lawful order of any superior so as to make him liable for punishment under clause 19(1) of the Standing Orders. I consider necessary to quote the said clause which runs as follows:—

"19. Any employee may be suspended, fined or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct, provided that suspension without pay, whether as a punishment or pending enquiry, shall not exceed ten days. The following shall denote misconduct:

- (1) Wilful insubordination or disobedience whether alone or in combination with another or others, of any lawful or reasonable order of a superior.

....."

10. The chargesheet issued to the workman is dated 24th June, 1968 and is signed by the Manager of Digwadih Colliery. It reads as follows:—

"You were instructed vide our letter No. Dig/WD-68/117 dated 27th May, 1968 to occupy the quarter No. UJ-8 allotted to you at Digwadih Colliery and to give the vacant possession of the quarter of Malkera Colliery in which you are living at present, but you have failed to do so."

11. Ext. M-1 is the letter referred to in the chargesheet for disobedience of which chargesheet was issued to the workman. This letter was issued to the workman by Sri R. I. Luther (MW-1) on 27th May, 1968. By this letter the workman was informed by the Welfare Officer that the workman was allotted the quarter mentioned in the chargesheet at Digwadih Colliery and the workman was asked to call at the Office of the Welfare Officer of Digwadih Colliery to sign the agreement forms as required under the terms of the occupation of the houses built under the New Housing Scheme of the Coal Mines Welfare Housing Board within 7 days of the receipt of the letter. The workman was also asked to hand over the vacant possession of the quarter occupied by him at Malkera Colliery to the Welfare Officer of Malkera Colliery and obtain a certificate from him to this effect and to bring it to the authorities of the Digwadih Colliery and occupy the quarter allotted to him at Digwadih. Lastly the workman was informed that if he would fail to vacate the quarter at Malkera Colliery, the authority would be forced to take disciplinary action against him. The charge against the workman was the disobedience of the order of the Welfare Officer of Digwadih Colliery contained in the said letter. The Enquiry Officer has found that there has been disobedience of the said order of the Welfare Officer on the part of the workman and hence he was guilty under clause 19(1) of the Standing Orders. From the letter of the Welfare Officer Ext. M-1 it is clear that the Welfare Officer of Digwadih had issued it with the sole object that the workman should vacate the quarter in his occupation at Malkera Colliery. The workman was asked to occupy the quarter allotted to him at Digwadih Colliery only if he vacates the quarter at Malkera Colliery and obtains a certificate to that effect from the Welfare Officer of Malkera Colliery. The workman was informed that if he would not vacate the quarter at Malkera disciplinary action would be taken against him. Apparently the occupation of the quarter at Digwadih was dependent on the vacation of the quarter at Malkera Colliery by the workman. The workman could not occupy the quarter at Digwadih so long as he had not vacated the quarter at Malkera. That being the position, the non-occupation of the quarter allotted to the workman at Digwadih Colliery by itself was not to be considered as an act of insubordination or disobedience. Again, if the order to vacate the quarter at Malkera Colliery be found

to be unlawful on any account the question of insubordination or disobedience does not arise for non-compliance of the same and consequently it will not be a act of insubordination or disobedience if the newly allotted quarter is not occupied in such a situation.

12. The statement of Sri R. I. Luther, Welfare Officer (MW-1) to the question put to him by the Tribunal is as follows:—

"I was not incharge of the allotment of quarters at Malkera Colliery. There is a separate Welfare Officer at Malkera Colliery and he is the incharge of allotment of quarters of that colliery. I had or I have no control over the quarters at Malkera Colliery."

13. It comes to this therefore, that Sri R. I. Luther (MW-1) was not the proper person clothed with authority to ask Bhudhar Mistry to vacate the quarter in his possession at Malkera Colliery. He as Welfare Officer of Digwadih Colliery had no control over the quarters in the occupation of Bhudhar Mistry at Malkera Colliery. This position is also accepted by the learned Advocate of the management at the time of argument. The learned Advocate however submits that since Malkera Colliery and Digwadih Colliery belong to the same Co. and the Welfare Officer of Digwadih Colliery was an employee of that Co., his order asking Bhudhar Mistry to vacate the quarter at Malkera Colliery was a valid and lawful one and the disobedience thereof is punishable under clause 19(1) of the Standing Orders. I am unable to accept this submission in view of the established facts in this case. Of course the Company to whom both the collieries belong had the right to ask the workman to vacate the quarter in possession of any one of the collieries belonging to them and they could also give this authority to any one of their subordinate. In the present case, however, it is not the case of the management that the Company had authorised Sri R. I. Luther, the Welfare Officer of Digwadih Colliery, to pass any such order on behalf of the Company. Bereft of the said power Sri R. I. Luther had no lawful authority to deal with the quarters of Malkera Colliery. Thus the order of Sri R. I. Luther asking the workman to vacate the quarter at Malkera Colliery was unlawful and must accordingly be held to be unreasonable also. That being so, no disciplinary action could be taken as against Bhudhar Mistry for disobeying the order of the Welfare Officer at Digwadih Colliery contained in Ext. M-1 and mentioned in the chargesheet issued to the workman.

14. In that view of the matter the finding of Enquiry Officer that the workman was guilty of the charge and so liable to be punished under clause 19(1) of the Standing Orders and the punishment of suspension of Bhudhar Mistry for 10 days by the management under clause 19(1) of the Standing Orders must be set aside and I order accordingly.

15. In view of the finding recorded above I hold that the action of the management of Digwadih Colliery of M/s. Tata Iron & Steel Co. Ltd., in suspending Sri Bhudhar Mistry Mechanical Fitter with effect from the 8th July 1968 vide the management's letter No. Dig/15D-68/3602 dated 25-6/1-7-1968 is not justified. That being so, the concerned workman will be deemed to be in service of the management without suspension during the said period and will, therefore, be entitled to full wages besides other benefits which might have accrued during that period.

16. This is my award. Let it be submitted to the Ministry under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) B. S. TRIPATHI,
Presiding Officer,
Central Government Industrial Tribunal
(No. 3), Dhanbad.

[No. 2/232/68-LRII.]
BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 11th February 1972

S.O. 757.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bangalore, in the industrial dispute between the employers in relation to the Vijaya Bank Limited and their workmen, which was received by the Central Government on the 7th February, 1972.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE

Dated: 2nd February, 1972.

PRESENT:

Shri Narayan Rai Kudoor, B.A.B.L.,—Presiding Officer.

CENTRAL REFERENCE No. 1/1969

I PARTY

Workmen represented by The General Secretary, Vijaya Bank Employees Association, Park Lodge, Kumara Park West Extn., Bangalore-20.

Vs.

II PARTY

Management of Vijaya Bank Ltd., Lighthouse Hill Road, Mangalore-2 (S.K.).

APPEARANCES:

For the I party—Shri H. Sudhakar Shetty, General Secretary, Vijaya Bank Employees Association, Bangalore.

For the II party—Sri A. Ramachandra Bhat, Superintendent, Establishment Dept., Vijaya Bank Ltd., A.O., Bangalore-1.

REFERENCE:

Government of India Order No. 23/31/69/LR/III of 30th August, 1969.

AWARD

The Government of India, by their Order dated 30th August, 1969, referred an industrial dispute existing between the employers in relation to Vijaya Bank Ltd. and their workmen in respect of the matter specified in the schedule annexed thereto, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), to this Tribunal for adjudication. The points of dispute scheduled in the Order of Reference reads as follows:—

“Whether the demand of the workmen of the Vijaya Bank Limited, Mangalore-3 that their period of apprenticeship should be counted for purposes of granting annual increment and seniority is justified? If so, to what relief are they entitled?”

2. On receipt of the above reference, it was taken on the file of this Tribunal and registered as Central Reference No. 1/1969

3. Workmen of the Vijaya Bank represented by the General Secretary of the Vijaya Bank Employees Association, Coast Road, Coondapoor, and the Management of the Vijaya Bank Ltd., are the I and the II Party respectively in this dispute. Notices were issued to both the parties. In pursuance to the notice, Sri A. L. Hebbar, General Secretary of the Vijaya Bank Employees Association, filed the statement on behalf of the I party *inter alia* that the II Party Management selected apprenticeship as clerical trainees for a year and entrusted them with clerical work. On completion of one year continuous service, they were appointed as probationary

clerks; that their first annual increments were paid only after two years' of service from the date of their respective appointment; that according to the Sastry Award as modified by Desai Award and by subsequent Bipartite Settlement dated 19th October, 1966, the increments of such category of employees would be the anniversary of the date of their respective appointments; that workmen should normally have the benefit of the annual increments as a matter of course, provided there is no substantially good reason to deprive them of the same; that the II Party in blatant disregard of the directions contained in the Awards, denied the employees of their lawful increments by postponing the date of increment by one year; that this wrongful postponement of the first increment affected both their seniority and emoluments; that during conciliation proceedings before the Asst. Labour Commissioner (Central), Bangalore the II Party refused to attend the proceedings and defied the authority established by law; and in these circumstances it finally prayed to pass an award directing the II Party to count the period of apprenticeship of its clerical trainees for purpose of granting annual increment and seniority and to grant such other reliefs as it deems fit and proper with costs.

4. The II Party filed its counter statement opposing the claim put forth by the I Party. Apart from disputing the claim of the I Party on merits the II Party has questioned the authority and competence of Shri A. L. Hebbar to represent the workmen as he ceased to be the office-bearer much less the General Secretary of the Vijaya Bank Employees Association which has espoused the cause of the workmen of the II Party. As regards the merits of the claim, it is urged that the candidates selected as clerical trainees has to undergo training for a period of one year. During the said period necessary training is imparted to them. On completion of the training satisfactory, such of those candidates who were found fit and suitable for job, were appointed as probationary clerks in the service of the Bank. The increments were paid at the end of one year's service from the date of their respective appointments as probationary clerks. The period of training however was reduced to six months with effect from February, 1968. During the period of training, all the trainees were given uniform monthly allowance. The allegation that the II Party had in blatant disregard to the directions contained in the Awards denied emoluments is denied. The II Party did not take part in the conciliation proceedings as it had rightly contended that in order to come to any settlement acceptable to contending parties, the legitimate office-bearer of the Association should be before the Conciliation Officer and not any imposter. The dispute raised on behalf of the workmen does not fall within the ambit of industrial dispute inasmuch as Sri A. L. Hebbar cannot lawfully represent the Association. It finally prayed for the rejection of the reference with a direction to the I Party to pay the costs of the II Party.

5. The I Party filed a reply justifying the demand put forth by the workmen and also contending that Sri A. L. Hebbar is entitled to represent the workmen of the II Party as he continued to be the General Secretary of the Vijaya Bank Employees Association which has espoused the cause of the I Party workmen.

6. My learned predecessor has framed the following issues arising out of the pleadings for determination, in addition to the points of dispute scheduled in the order of reference:—

“1. Whether Sri A. L. Hebbar is competent to represent the Vijaya Bank Employees Association or the employees of the II Party Bank as alleged in the counter statement.”

2. Whether the dispute in question is an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act 1947;

3. To what reliefs are the parties entitled?”

7. When the dispute is pending enquiry, one H. Sudhakar Shetty, styling himself as General Secretary of the Vijaya Bank Employees Association, Park Lodge, Kumara Park West Extension, Bangalore, has intervened and filed an application dated 20th February, 1970, to implead him as a party to the proceedings as he is legally entitled to represent the workmen of the II Party in the dispute, being the legally and lawfully elected General Secretary of the Vijaya Bank Employees Association, questioning the competence of Sri A. L. Hebbar to represent the said Association. Sri A. L. Hebbar, on behalf of the I Party, has led his counter to the application filed by the Intervener. The Intervener, in turn, has filed his reply to the counter filed by the I Party and the application was posted for hearing. In the meantime, Sri A. L. Hebbar has filed a memo dated 16th December, 1971, informing that the Intervener may be treated as legally entitled to represent the I Party and he may be impleaded as such and proceeded with the Reference. Thereupon the Intervener was brought on record to represent the workmen of the II Party in the dispute. Subsequently, the I Party filed a memo dated 31st December, 1971, stating that it has no dispute with the II Party Management in the matter relating to which the reference in question was made to this Tribunal for adjudication and dispose of the reference as not pressed.

8. Since the party at whose instance the reference was founded, has filed a memo stating that it does not press the demand covered under the Order of Reference, I feel it unnecessary to go into the dispute covered under the Order of Reference on merits. In the result, I pass an Award rejecting the Reference. In the circumstances of the case, I direct the parties to bear their own costs.

(Sd.) NARAYAN RAI KUDOR,
Presiding Officer,
Industrial Tribunal, Bangalore.

[No. 23/31/69-LR. III.]

S.O. 758.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 5th February, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT JABALPUR

CASE No. C.G.I.T./LC(R)(30) OF 1971.

PRESENT:

Shri M. Chandra, Presiding Officer.

PARTIES:

Employers in relation to the Punjab National Bank, Indore.

Vs.

Their Workmen represented by the All India Punjab National Bank Employees Association.

APPEARANCES:

For the Management.—Shri M. K. Jain, Staff Manager.

For the Workmen.—Shri C. L. Bhardwaj, General Secretary, A.I.P.N.B.E.A.

AWARD

By an Order No. L.12012/32/71-LR-III dated October 30, 1971, the Central Government referred under Sec-

tion 10(1)(d) of the Industrial Disputes Act, 1947, to this Tribunal the following dispute as mentioned in the Schedule attached to the Order:

SCHEDULE

"Whether the action of the management of the Punjab National Bank in terminating the services of Shri Vasdev Shivnani, Peon of Reengus Branch was justified? If not, to what relief is he entitled?"

Briefly stated, the workman's case is this:

Shri Vasdev Shivnani was informed by the management *vide* appointment letter dated 20th July, 1970 that he had been appointed as a Peon/Watchman with effect from 25th July, 1970, temporarily for a period of two months. Shri Shivnani joined his duties on 25th July, 1970. His services were extended from time to time till 31st December, 1970. Thereafter, by a letter dated 5th January, 1971 he was given seven days' notice in violation of the provisions of Para 522(4) of the Sastry Award as modified by the Desi Award and Bipartite Settlements. Shri Shivnani had put in continuous service of 164 days from 25th July, 1970 to 5th January, 1971. The Management, in pursuance of its unfair labour practices, did not pay him wages from 9th Oct., 1970 to 11th October, 1970. Shri Shivnani's services were utilised from 25th July, 1970, against a permanent sanctioned vacancy of a Peon/Watchman caused by the transfer of a permanent hand. Since Shri Shivnani had more than 90 days service, he was to be treated as Probationer from his original date of appointment in accordance with Bipartite Settlement dated 19th October, 1966. The management, in terms of Para 20.8, could fill up the vacancy within three months. But the Management did not do so and allowed Shri Shivnani to continue. Shri Shivnani, thus, attained the status of a Probationer.

The workmen consequently claim that Shri Shivnani be treated as a Probationer from 25th July, 1970 and be re-instated with retrospective effect and paid up-to-date wages along with wages for 9th October, 1970 to 11 October, 1970, along with all other benefits, to which permanent hands are entitled.

The management denied the workman's allegation and alleged that Shri Shivnani's temporary appointment had not exceeded the period of three months as envisaged in Para 20.8 of the First Bipartite Settlement, and that the action of the management was not in violation of the provisions of the Sastry Award. According to the management, the workman is not entitled to any relief.

The parties have, however, now settled the dispute and have filed a Settlement today. According to this Settlement, Shri Shivnani will be absorbed by the Bank as a Probationer Peon-cum-Chowkidar in the first available permanent vacancy, at any present or future offices in area III in Rajasthan, as a fresh entrant. The Settlement is clearly in the interest of the workman as well as the management. It is, therefore, accepted, and an Award is made in terms of the Settlement, which shall form part of the Award. In the circumstances of the case, the parties will bear their own costs.

Let the Award be sent to the Central Government.

(Sd.) M. CHANDRA,

28th January, 1972.

Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, JABALPUR CAMP, NEW DELHI.

Shri Vasdev Shivnani, Ex-Temp. Peon, P.O. Beengus (Rajasthan).—Represented by the General Secretary, Association of Punjab National

Bank Employees, Rajasthan, Imperial Road,
Ajmer.

Vs.

Punjab National Bank, Staff Department, H O
Parliament Street, New Delhi.

The Government of India, Ministry of Labour and
Employment, New Delhi has referred the following dispute
for adjudication to this Hon'ble Tribunal:

1. "Whether the action of the management of the
Punjab National Bank in terminating the services of
Shri Vasdev Shivnani, Peon of Reengus Branch was
justified? If not, to what relief is he entitled?"

2. That the parties have compromised the dispute on
the following terms:

(a) that Shri Shivnani will be absorbed by Bank
as probationer *Pecn-cum-Chowkidar* in the first
available permanent vacancy at any present
or future offices in area III in Rajasthan, as
a fresh entrant.

(b) that it is in full and final settlement of the
claim of the employee before this Hon'ble
Tribunal.

3. The parties pray that an Award may kindly be
given in the terms of the compromise as stated above

For The All India
Punjab National Bank Employees'
Association, Delhi.

(Sd.)

General Secretary,
26th/27th January, 1972.

For Punjab National Bank,
(Sd.)

Staff Manager.

Filed and verified by Sri M. K. Jain, Staff Manager,
for the Management and Sri C. L. Bharadwaj, General
Secretary of the A.I.P.N.B.E.A. for the workman.

(Sd.) M. CHANDRA

Presiding Officer.
27th January, 1972.

Part of the Award

(Sd.) M. CHANDRA,

Presiding Officer.
28-1-1972.

[No. F. L-12012/32/71-LRIII]

S.O. 759.—In pursuance of section 17 of the In-
dustrial Disputes Act, 1947 (14 of 1947), the Central
Government hereby publishes the following award of
the Central Government Industrial Tribunal, Jabalpur
in the industrial dispute between the employers in re-
lation to the Punjab National Bank and their workmen,
which was received by the Central Government on the
5th February, 1972.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR**

CASE No. C.G.I.T./LC(R) (29) OF 1971

PRESENT:

Shri M. Chandra.—Presiding Officer.

PARTIES:

Employers in relation to the Punjab National Bank,
Indore.

Vs.

Their workmen represented by the All India Punjab
National Bank Employees Association.

APPEARANCES:

For the Management.—Shri M. K. Jain, Staff
Manager.

For the workmen.—Shri C. L. Bhardwaj, General
Secretary, A.I.P.N.B.E. Association.

AWARD

By an Order No. L-12012/371-LR-III, dated October
21, 1971, the Central Government referred under Sec-
tion 10(1)(d) of the Industrial Disputes Act, 1947,
to this Tribunal the following dispute as mentioned in
the Schedule attached to the Order:

SCHEDULE

"Whether the management of Punjab National
Bank, Central Circle, Indore were justified in
terminating the services of Sarvasari Shyam-
mal Malu and Mohanlal Thathera, Godown-
Keepers? If not, to what relief are the work-
men entitled to, and from what date?"

Briefly stated, the workmen's case is this.

Shri Shyammal Malu was appointed as Godown-Keeper
at Gangapur out-station under B/O Bhilwara with
effect from May 6, 1967 *vide* appointment letter dated
5th May 1967. The said appointment was later ex-
tended by the Bank from time to time upto October
31, 1970, without any break in service. Shri Malu
looked after the godowns of several parties at Ganga-
pur Godown Station during his employment. It is
of a permanent nature function from the year 1957
continuously. Shri Malu stands confirmed with effect
from May, 6, 1968 after completion of one year's ser-
vice in terms of para 499 of the Sastry Award. His
services were terminated by the Bank on 24th October,
1970 by paying his dues upto 31st October, 1970 with-
out proper notice. This shows mala fide intention of
the management. The workmen claim that Shri Malu
should be treated as confirmed employee with effect
from May 6, 1968 and paid his dues of arrears with
all other benefits for which he is entitled in terms of
Bank Awards with retrospective effect from May 6,
1968.

Shri Mohan Lal Thathera, another employee was
appointed by the Bank as a *Godown-keeper* at Bhil-
wara to look after the stocks *vide* appointment letter
dated 10th November, 1967 by the Management *vide* their
dated 10th November, 1967. His appointment was ex-
tended from time to time upto 21st November, 1970
without any break in service. The Account of M/s.
Rajasthan Vanaspati Products Pvt. Ltd., Bhilwara is of
a permanent nature and that Shri Thathera should
be absorbed in the Bank service permanently after the
completion of one year's service in terms of Para 499
of the Shastry Award.

The Services of Shri Thathera were terminated by
the Bank on 21st November, 1970 without any proper
notice because he approached the A.L.C., Ajmer,
through the Union for his permanent absorption in the
Bank's service. The termination was mala fide. The
workmen claim that the management be directed to
absorb Shri Thathera permanently in the Bank's ser-
vice with effect from 10th November, 1968 after com-
pletion of one year's service and to pay all his dues
including arrears, with all other benefits to which he
may be entitled.

The Management denied these allegations and alleged
that the services of both these workers were rightly
terminated.

Now the parties have filed a Settlement under which
Shri Shyammal Malu and Shri Mohanlal Thathera are

to be absorbed by the Bank as fresh entrants in the first available permanent vacancies as probationer Godown Keepers at any of its present or future offices in area III in Rajasthan. In case there is only one such vacancy available at a time, Shri Malu is to be absorbed first.

The Settlement is just and fair and is in the interest of both the parties. It is accordingly accepted. An Award is made in terms of the Settlement which shall form part of the Award. In the circumstances of the case, the parties will bear their own costs.

Let the Award be sent to the Central Government

(Sd) M CHANDRA,
Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR CAMP, NEW DELHI

Sarvshri Shyamlal Malu and Mohanlal Thathera Ex-
Godown Keeper, P.O. Bhilwara

Represented by Association of Punjab National Bank
Employees Rajasthan, Ajmer—Workman

Vs

Punjab National Bank, Staff Department, H.O.
Parliament Street, New Delhi—Employer

1 That the Government of India Ministry of Labour
and Employment New Delhi has referred the following
dispute for adjudication to this Honble Tribunal

- (a) 'Whether the management of Punjab National Bank, Central Circle Indore were justified in terminating the services of Sarvshri Shyamlal Malu and Mohanlal Thathera, Godown Keepers? If not, to what relief are the Workmen entitled to, and from what date?'

2 That the parties to the Dispute have compromised the dispute on the following terms

- (a) that Shri Shyam Lal Malu and Shri Mohanlal Thathera will be absorbed by the Bank as fresh entrants in the first available permanent vacancies as probationer Godown Keepers at any of its present or future offices in area III in Rajasthan. In case there is only one such vacancy available at a time, Shri Malu is to be absorbed first

- (b) that it is in the full and final settlement of the claim of these employees before the Tribunal

3 The parties pray that an Award may kindly be given in terms of the aforesaid terms of compromise

For the All India Punjab National Bank Employees' Association, Delhi

(Sd)
General Secretary
25/27-1-1972

For Punjab National Bank
(Sd.)
Staff Manager

Filed and verified by Sri M. K. Jain, Staff Manager
for the Management and Shri C. L. Bharadwaj General
Secretary of the AIPNBEA for the workmen

(Sd) M CHANDRA,
Presiding Officer
27-1-1972

Part of the Award

(Sd) M CHANDRA
Presiding Officer
28-1-72

[No F L 12012/3/71 LR III]

S S SAIASRAMAN Under Secy

